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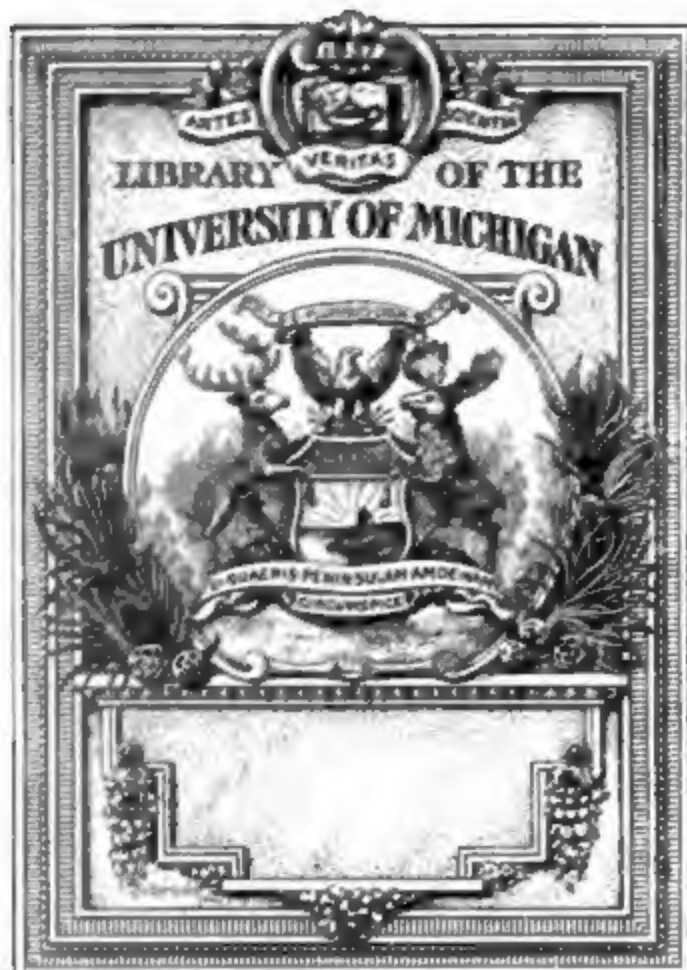
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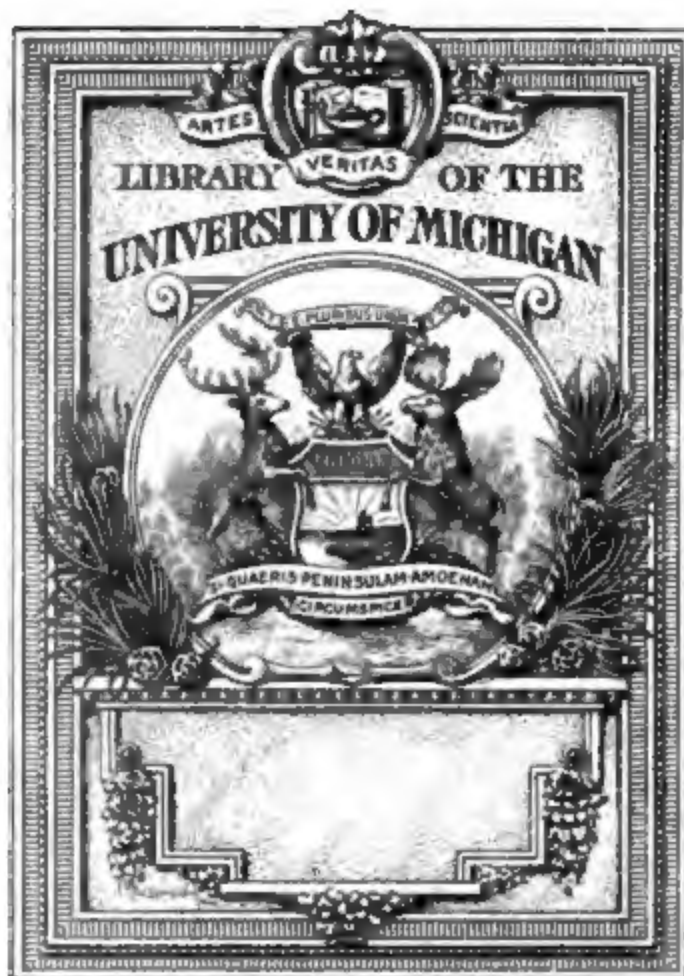
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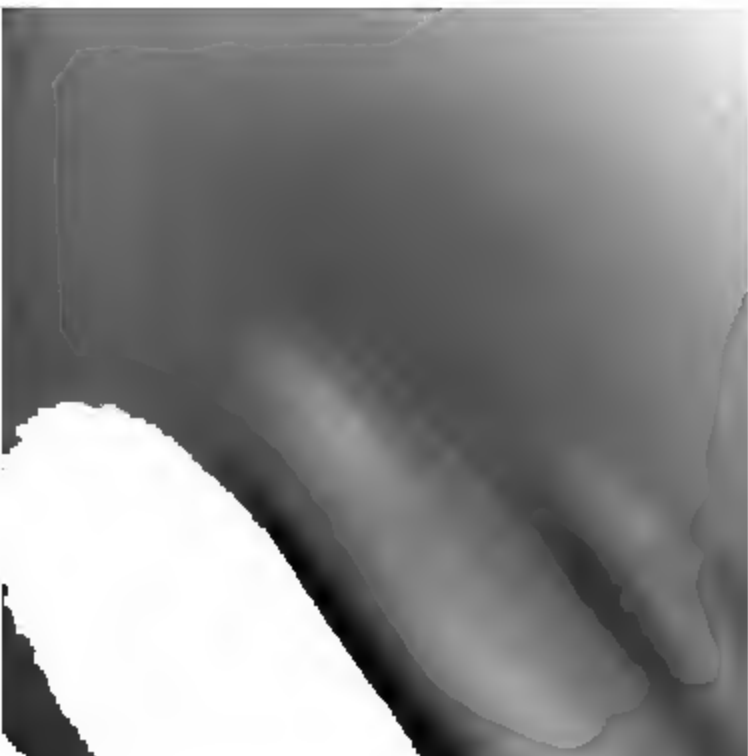








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# HANSARD'S PARLIAMENTARY DEBATES:

THIRD SERIES,  
COMMENCING WITH THE ACCESSION OF  
WILLIAM IV.

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13° V I C T O R I Æ, 1850.

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VOL. CIX.

COMPRISING THE PERIOD FROM  
THE TWENTY-SIXTH DAY OF FEBRUARY,  
TO  
THE TWENTY-SIXTH DAY OF MARCH, 1850.

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*Second Volume of the Session.*

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LONDON:

PUBLISHED BY CORNELIUS BUCK,

AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,  
32, PATERNOSTER ROW;

AND BY

LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;  
J. RIDGWAY; CALKIN AND BUDD; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON;  
SON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

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1850.



**LONDON:**  
**GEORGE WOODFALL AND SON,**  
**ANGEL COURT, SKINNER STREET.**

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# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*THIRD SESSION* OF THE *FIFTEENTH PARLIAMENT* OF  
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,  
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE  
CONTINUED TILL 31 JANUARY, 1850, IN THE THIRTEENTH YEAR  
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

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## SECOND VOLUME OF THE SESSION.

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HOUSE OF LORDS,

*Tuesday, February 26, 1850.*

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Foreign Chaplaincies.

### WAGES IN WILTSHIRE.

THE EARL of MALMESBURY wished to obtain the ear of the noble President of the Council for a short time, whilst he called his attention to some unfortunate circumstances which had recently occurred in the village of West Lavington, in the county of Wilts. He did not know whether the noble Marquess was cognisant of the facts or not; but he inferred from the speech of the noble Marquess on the first day of the Session, that he was not well acquainted with the suffering state of the agricultural population of England, and particularly of the county of Wilts. The noble Lord then read an extract from a Wiltshire paper, stating that much excitement had recently prevailed among the agricultural labourers of West Lavington, in Wiltshire, in consequence of the intention of the farmers to reduce their wages from 7s. to 6s. a week; that a large num-

ber of them had gone to the steward of Mr. —, to remonstrate against the execution of that intention; that the police had been called in; that on the subsequent day a man had been brought up before the magistrates for creating a disturbance, and had been by them committed to prison; and that scarcely had he been taken there when a large body of labourers rose for the purpose of rescuing him, but found themselves disappointed in their object owing to his removal from that place to prison. His object in drawing attention to these facts was to show that Her Majesty's Ministers, though they might not be capable of deceiving their Lordships, were deceiving themselves, if they thought that the agricultural labourers were not worse off at present than they were at the passing of the recent legislative measures authorising unrestricted importation of corn and other articles. He entreated the noble Marquess and his Colleagues to keep their minds open on this subject.

The MARQUESS of LANSDOWNE scarcely knew what question he had to answer, as the noble Earl had given him no notice of his intention to introduce this

subject. He would, however, inquire into the facts of the case mentioned by the noble Earl.

#### THE ENCUMBERED ESTATES COMMISSION.

LORD BEAUMONT presented a petition from Lady Jervis White Jervis, complaining that an estate belonging to her husband (from whom she is separated), worth 3,470*l.* per annum at present, and likely to be improved considerably, was about to be sold by the Encumbered Estates Commissioners upon the petition of the junior creditor, whose judgment was only for 1,000*l.*, the entire mortgage debts amounting to no more than 20,000*l.*, and the judgments to only 9,000*l.* She had appealed to the Commissioners to prevent the sale, but they decided that she had no *locus standi*; and her husband (Sir Henry Jervis White Jervis) not choosing to appeal against the sale, the rule would be made absolute within twenty-eight days if cause were not shown to the contrary before the expiration of that period.

LORD BROUGHAM asked, if Lady Jervis's separate maintenance were or were not charged upon the estate, and if it were in the hands of trustees under the deed for securing the separate maintenance?

LORD BEAUMONT said, the separate maintenance was not a charge upon the estate. He had been instructed that there were no trustees under the deed of separation; having no separate interest in the estate, the petitioner could not be heard against the sale.

LORD BROUGHAM: Then the petitioner has no *locus standi* whatever. She has no interest in the estate, and the Commissioners could not listen to her.

LORD BEAUMONT was aware of that, and that the Commissioners could not have acted otherwise than they did. He knew, also, that Parliament could not interfere in this particular case. But their Lordships should see to the amendment of the Act as soon as possible, in order to prevent its being made an instrument of oppression, which it certainly never was the intention of their Lordships it should be. It was never passed for cases like this, where estates were encumbered to no more than half their value. It was only intended to apply to hopelessly encumbered estates. The present case was an instance of the Act being used as a means of oppression. The steward of the petitioner lends

1,000*l.* to the estate, and obtains a judgment to secure payment; he is subsequently a defaulter to the amount of 500*l.* in his account with his employer, and is dismissed in consequence. Henry White Jervis, who has the management of her husband's estate, endeavours to set off the 500*l.* against the 1,000*l.*, and to pay the difference, when the defaulting steward transfers the judgment to a solicitor in London, who, under the new Act, puts the estate into the court, and forces a sale. But his noble Friend seemed to have a passion for being an auctioneer. He wished to see the whole land of Ireland sold up, and the country entirely revolutionised.

The LORD CHANCELLOR said, the petitioner had no *locus standi* in the court, and the Commissioners were not at all involved in the complaint made.

The EARL of GLENGALL said, he did not understand the noble Lord to have made any charge against the Commissioners. There were some of the "General Rules" issued by the Commissioners that he thought very ill-advised. He thought they should allow at least three months' notice, instead of twenty-eight days, before proceeding to a sale. He also objected to the rule they had adopted of declaring the purchaser forthwith. In the Court of Chancery, fourteen days were allowed after a bidding before the purchaser was declared, and during that period any party might send in a fresh bidding, so that a sale might be thus continued for a considerable period, and this rule ought, he thought, to have been still more strictly adhered to under the Encumbered Estates Commission, considering that the puisne creditors were likely to be left without a single penny in payment of their debts. In the recent sale under the commission, when these three auctioneers announced their determination to declare the purchaser at once, the purchase money amounted to only 8½ years on the rent formerly paid for the farm, though it was somewhere about twenty years' purchase at the depreciated rent now paid.

LORD CAMPBELL must protest against any encouragement being given to petitions such as that now before the House, as it was clear that their Lordships had no power whatever to interfere in the matter. The Act of Parliament declared the decision of the Commissioners to be final, and gave no power of appeal from it. But the noble Earl who had just sat down ap-

peared to be determined to bring every act of the Commissioners night after night in review before their Lordships' House, and yet the noble Earl must know very well that the House had no power of interfering. If the petitioner had a *locus standi* before the Commissioners, they would, no doubt, have heard her; but it appeared that, in point of fact, she had no interest whatever in the estate that was the subject of the proceedings. The Act declared that in every case where the encumbrances were more than half the actual value of the estate, the Commissioners should be authorised to sell, but they were not bound to proceed to a sale unless they saw it was for the interest of the parties that they should do so, and that the state of the market rendered the step advisable. The noble Earl had not only assailed the Commissioners, and called them auctioneers, but he had attacked the Privy Council in Ireland by attacking the general rules that had been modified by them. These rules had been moulded and remoulded by the Commissioners, and the Privy Council, and were, he would maintain, most admirably suited for facilitating the proceedings of the commission. With regard to the particular rule of closing the sale forthwith, to which the noble Earl objected, he thought it was a most excellent one, and that the system of the Court of Chancery, instead of being preferable, had the effect of keeping away bidders.

The EARL of GLENGALL said, he did not care for any objection that might be felt to his bringing the acts of these Commissioners before the House, as he was determined to persevere until he saw complete justice done to the landed interests of Ireland. He regarded the Act as most arbitrary, unconstitutional, and unjust, and one that would not be borne with in this country for a single day. It was an Act, the object of which was to destroy the gentry of Ireland; and as 99 out of every 100 of these gentry were Conservatives, he felt justified in regarding it as a blow aimed against the Conservative party in Ireland.

The EARL of MOUNTCASHELL said, as an Irish Peer, he felt called upon to express his opinion that it was very improper for an English Peer to get up in his place and nullify a statement made by an Irish nobleman with regard to that country. He believed that a more arbitrary Act never passed through that House than the Act in question. It had been forced on Ireland against the wishes of Ireland, and against

the wishes of the majority of both Houses of Parliament. The noble Lord was entitled to present this petition by the Bill of Rights; and he was sorry that that Bill should have been called in question in their Lordships' House. A more oppressed body than the Irish landowners never existed; but when the oppression came home to landowners in this country, they would view the subject in a different light from what they saw it in at present.

LORD BEAUMONT explained that he did not mean to make any charge against the Commissioners, as he was quite aware beforehand that the petitioner had not any *locus standi* in their court. He could not join in all the charges that had been urged against both the Act and the Commissioners; but he certainly felt that the present case was one of those in which the Legislature did not intend that a sale should take place. He trusted, however, that the estate would not be sold.

The EARL of GLENGALL begged to explain that he did not mean to cast any slur on the Commissioners by calling them auctioneers.

Petition to lie on the table.

#### RAILWAY PROPERTY.

LORD MONTEAGLE, after presenting two petitions from Sheffield and another place, praying for an inquiry into the causes of the depreciation of railway property, observed, that taking the following most important and most successful lines—the Great Western, the North Western, the South Western, the Manchester and Leeds, the Midland, and the York and North Midland—he found that the average price of shares on the 11th of August, 1845, showed a premium of 116 $\frac{3}{4}$  per cent on the 1st of January, 1850, a discount of 36 $\frac{3}{4}$ , being a depreciation of 153 per cent. The price of 100*l.* nominal stock on the former day was 216*l.* 15*s.*; on the latter, 63*l.* 5*s.*, a depreciation of 153*l.* 10*s.* It might be asked whether the holder was still receiving his full dividends; but not so—the dividend fell in the same period from 7 $\frac{3}{4}$  per cent to 3 $\frac{1}{2}$ . The weekly traffic fell also from an average of 63*l.* per mile to 45*l.* 10*s.* Such was the enormous and ruinous depreciation of this property—a depreciation not altogether attributable to the mere pecuniary state of these concerns, but also to the want of confidence in the management, and in the truth of the accounts. This, he believed, was very mainly attributable to the want of a proper

system of independent audit, on which not only the shareholders but the public at large would rely. This the House of Lords had felt, and the two last Sessions had endeavoured to supply the deficiency. This want of an audit led to much of the abuse and misapplication of capital, of which the public had a right to complain. In the absence of a good system of audit, it behoved Parliament to be cautious what Bills they should pass. Above sixty railroads were already applied for in the present Session. Of these it was probable that several were for increased capital and extension of powers. Could such Bills be passed in cases where former privileges had been misused? It was his wish to guard the House against this risk. It was most important that Parliament, which was in a certain degree a trustee for the public, should know, when railway companies came before them, whether there had been malversation or not, and whether it was fit that they should have further powers. He wished to bring before them in every case the means of forming a judgment on this point. He had therefore to move—

“That ten days at the least before the second reading of any private Bill for making, improving, abandoning, or in any other way affecting or varying any railway, or for creating, incorporating, or affecting the powers vested in any railway company, or for the amalgamation of any railway company, or in any other way touching the same, there be delivered, at the office of the Clerk of the Parliaments, for the use of this House, copies of the balance sheets of every such company for the years 1848 and 1849, as required to be kept by the 8th & 9th Victoria, cap. 16, or by any Act incorporating such company; together with copies of the schemes for dividend on which dividends shall have been declared during the years 1848 and 1849, under sections 120, 121 of the said Act of the 8th & 9th Victoria, cap. 16, or under any other Act incorporating the company; and a statement of the amount of dividends declared in pursuance of such schemes, and the dates at which such schemes were agreed to, and the dividends declared.”

Motion agreed to.

#### EMIGRANT SHIPS—FEMALE EMIGRANTS.

The EARL of MOUNTCASHELL said, in rising to bring forward the Motion of which he had given notice, respecting the appointment of a medical officer to the *Una* emigrant ship, he begged to remark that since he had last mentioned the subject in the House, some more recent information had arrived from Australia; and in the papers which he had received, he found that everything which he had the honour

of stating to their Lordships on the subject was more than confirmed. He held in his hand a copy of the *South Australian Register*, containing a statement signed by no less than 97 passengers on board the *Indian*, setting forth a number of specific atrocities against the officers of that vessel. It appeared also from these papers that a meeting had been called to give an opportunity to the medical officer, who had acted so gross a part, to rebut the charges against him; but the result was, that all the charges had been proved in the most satisfactory manner. He had to complain, however, that the emigration agent had attempted to screen not only the master but the doctor also. At the same time it should be admitted that the Governor, Sir H. Young, had taken up the matter in a highly creditable manner. With regard to these medical men placed on board emigrant vessels, a great deal of confidence was reposed in them. They were supposed not only to take care of the health of the passengers, and more particularly of the female portion of them, but to be also their protectors. But instead of discharging these duties, many of them had been in the habit of acting most improperly. As an instance of this conduct, he would beg to read a passage from a letter in the *Adelaide Observer*, written by William Noye, a schoolmaster, who went out, with his family, on board the *Mary Anne*, emigrant ship:—

“Satisfied with these assurances, I embarked at Plymouth on the 23rd of December, 1848, and on the 27th left the shores of Old England. My wife was confined on the 29th. On the evening of the third day after her confinement, I went to the surgeon and asked him if he would give me anything for my wife's supper. He told me he had nothing to give her. I replied she could not eat salt junk and hard biscuit, and asked for a little butter (for you must know, Sir, that though we had been nine days on board, we had no butter, flour, raisins, or such, served out). He told me there was none got up yet. The captain and chief mate were with him. The latter said she could have a little from the cabin. The surgeon said, ‘No, it is not fit for her, nor shall she have it.’ I asked what I was to do, when immediately the captain came to the rescue, saying, ‘D—ye; why, soak her bread. What the h— did you do at home!’ I answered that at home my wife got what was necessary, and I did not feed her during her confinements with rotten beef and bread overgrown with fungus, for which description of rations the *Mary Anne* could not be excused. But to make the matter short, all the nourishment she obtained, during the entire voyage, more than a healthy emigrant's allowance, was four pints of preserved meat, and half a pint of preserved milk for the baby. I had to give up my small allowance of flour, and feed myself on



that rare composition, biscuit and fungus, in order to afford any chance of keeping my wife and children alive till we reached *terra firma*."

The result was thus mournfully told—

" Since our arrival we have laid our baby in the cemetery at Adelaide, and my wife is now suffering from derangement of the respiratory organs and has not been able to attend to her domestic duties since we landed."

It was with the view of eliciting the truth that he had made the Motion, of which he had given notice—

" That there be laid before this House Copies of the Testimonials, with the Names of the parties subscribed to them, produced by Thomas Hammond, upon the faith of which he was last summer appointed surgeon to the emigrant ship *Una*, together with the Minutes made by the Colonial Land and Emigration Commissioners on those Testimonials."

He wished their Lordships to see what sort of persons occasionally got employment on board emigrant vessels. It had come to his knowledge that this Mr. Thomas Hammond was a doctor resident at Eton for nearly thirty years. He was sorry to be obliged to speak of any individual, here or elsewhere, in strong terms, but he thought he was warranted in so doing from the wrongs inflicted on a great body of persons. He was informed that this person was a very notorious character for drunkenness and loose life, the effect of which was that he had ruined his family as well as himself; he became deranged, and was at length placed in a lunatic asylum near Norwich. There he remained until last year, and how he got out he (the Earl of Mountcashell) was unable to explain; but a very few months after his exit he was appointed surgeon on board this emigrant ship, which sailed about the middle of July from one of our ports for Sydney, with 313 souls on board, all of whom were of course entrusted to his care. He (the Earl of Mountcashell) was informed that he had produced six or seven testimonials of the highest character in his favour. He did not wish to bring any charge against the noble Earl, or the Colonial Office; his motive in bringing forward this case was to show the noble Earl and those connected with him that too much trust was not to be placed in testimonials which might be presented by men applying for office. He also hoped that it would serve as an occasion to medical men of high standing to take notice not to give testimonials without well knowing who the parties were, because, of course, if they did that, the Colonial Office had to depend

on them, and in that way the mischief was done, and much evil was the result. There was no account yet of the safe arrival of this vessel in Australia, so that the result in this instance was not known. But this appeared to be a case of too common occurrence. In a pamphlet published by Mr. Sidney, the following summary was given of cases reported in the blue book on Emigration, ordered by the House of Commons, July, 1849. The Immigrant Board of Sydney observes—

" It is impossible to convey a just idea of the gross abuses and infamous misconduct which occurred (on board the *Subraon*) owing to the 'imbecility' of the surgeon-superintendent. Unrestrained intercourse took place between the sailors and the women, and between certain officers and certain single women. Among these girls were twelve girls from a foundling institution in Dublin, one of whom, a very interesting girl too, was seduced by the chief officer, and died in consequence of miscarriage before she could be landed from the vessel. The surgeon of the *Canton* is pronounced not qualified for his office. *Equestrian*.—Surgeon not sufficient energy or activity. *Fairlie*.—Surgeon's manners violent and grossly offensive. *Agincourt*.—Deficient in energy, and principles bad. *Charlotte Jane*.—Surgeon, bad habits; intoxication; undesirable that he should be employed again. *Emperor*.—Great freedom of intercourse appears to have existed between the single women, the mates, and seamen. *General Hewitt*.—Intimacies between some of the sailors and the single women have fallen under my notice, that induce me to suspect that their intercourse during the passage was not sufficiently prevented. *Cornwall*.—Surgeon, young and inexperienced, but attentive to the performance of his duties. A formal charge was made affecting the conduct of the mate of the ship, with reference to certain of the single women. The superintendent reported that 'without doubt, the accusation was not devoid of foundation, and that a certain degree of immorality must have prevailed on board.' *Hyderabad*.—Duties of surgeon-superintendent not performed in a satisfactory manner, and should not be employed again. *Lady Peel*.—Total unfitness of the surgeon for his duties. Out of twenty surgeon-superintendents selected by the emigration commissioners, eleven were reported by the colonial authorities as more or less unfit for their very responsible duties."

Could proper caution be taken if this was so? In an article in the *Adelaide Observer*, of the 6th of October, it was said—

" From what college of surgeons the ships' doctors are usually drafted for the Australian voyage, we are at a loss to conjecture. The many declared instances of incompetency and inhumanity are appalling, and the numerous fatal results call loudly for a thorough reformation in the system of selection. The practice of excessive drinking is so general, that a kind and sober doctor seems to be quite an exception."

He was convinced, not only from the

sources he had quoted, but from many letters he had received, that the treatment of emigrants, particularly the females on board of these vessels, was of the most disgusting and disgraceful character, and it often happened that not only their morals were not attended to, but in case of illness scarcely any attention was paid to them at all. The consequence had been great loss of life, or where this did not occur, suffering. If the present Acts of Parliament were not sufficiently stringent, surely it was the business of Her Majesty's Ministers to have an Act properly framed, so that the matter might be no longer neglected. If this statement could not be contradicted, and it went abroad that there was no protection for females of good character, it was clear that none would consent to go. You might send as many as you pleased of the sweepings of the streets, but the people of Australia would not thank you for them. They wished for a different class of women—persons of innocent habits and well disposed, whom they might make their wives and sisters. In the papers he had seen it was stated that many of the girls who had been maltreated were quite innocent and well behaved; but from their not having received sufficient protection, they had been corrupted in the course of the voyage. On board of the *Ramillies* four young women were said to have been flogged by order of the doctor. It was possible they might have misconducted themselves, but he did not think it right that power should be vested in the doctor to flog females. He knew the danger of bringing together in a small space the evil and the good. Some classification of the passengers ought to be made, and the evil inclined should be separated from the virtuous and well disposed.

EARL GREY could safely refer their Lordships to the papers on the table, so far as regarded the noble Earl's statement of general mismanagement on board emigrant ships. The fullest information was furnished with regard to them all, and an examination of it would show, that, though with so large an emigration some cases of misconduct would necessarily arise, the system, as a whole, was successfully and efficiently conducted. The noble Earl had said that the surgeons were generally inefficient, and the ships generally ill-conducted. In answer to that, he (Earl Grey) would state one simple, but conclusive, fact—that, taking the returns of the number of persons embarked, and the deaths

on the voyage, the mortality during that long passage to Australia, with all the accidents and hardships of such a voyage, was actually less than the average mortality among the same number of persons of the same age living in this country. The noble Earl mentioned a great number of cases of misconduct of particular surgeons. Of course it was impossible for him (Earl Grey) to be prepared to go through those cases; but, listening attentively to them, he heard it stated of one, "undesirable to be employed again." The Emigration Commissioners could hardly be blamed for not finding that out till they had employed him once. Another was described as "young and inexperienced." It was impossible, with the great demand for these surgeons, always to obtain persons of experience and mature age. But the Commissioners took this precaution, which was, upon the whole, effective—that the remuneration of the surgeon increased according to the number of voyages he took. The most strict supervision was exercised over the vessels when they arrived; and if the surgeon was found in any respect to have fallen short of the proper discharge of his duties, he was immediately reported to the board here, and not again employed. If the case was more serious, he lost the gratuity to which he was entitled; and if the case was considered to deserve it, he was brought up before the legal tribunals for punishment for any infringement of the law. In no instance had the Emigration Commissioners failed to exercise the very large powers given them by law, as they judged to be required; and those powers, as they had been, would continue to be, exerted to the utmost, in order to punish every case of abuse. The noble Earl had alluded to cases of immoral conduct, which it was impossible sometimes to prevent, even among the domestics in a large establishment; but every possible exertion was made to prevent it. He said, that if these things were permitted, respectable women would not go out. Now, the Emigration Commissioners were so satisfied of the danger and difficulty of sending out single women, that it had long been their practice to discourage their going; nor would they allow a single woman to embark on board one of their vessels unless she had some one with her who could protect her, except in the case of vessels chartered for such persons as those from the Irish workhouses; and the abuses that took place there were

through the scandalous fraud sanctioned by the Irish board of guardians, with whose direct cognisance the master of the work-house substituted some improper characters to answer to the names of those who were to have embarked. With that one exception, the Irish emigration had generally been conducted with as much success as could be expected. It was impracticable by any regulation to guard against all abuse. The Emigration Commissioners had declined as much as possible to conduct the emigration of single women, and wished to confine themselves almost entirely to the emigration of families; and that seemed to be almost the only emigration that could go on to any great extent with success. With regard to the present Motion, so far from objecting to it, he (Earl Grey) thanked the noble Earl for having made it. It was, of course, impossible for the Commissioners to judge of the characters of surgeons except by the testimonials. He had in his hands copies of the testimonials produced by Mr. Hammond, and, after perusing them, he was convinced that there must have been some mistake, and that the person to whom the noble Earl referred could not be the Mr. Hammond to whom those testimonials had been given. It appeared that Mr. Hammond applied in the ordinary way for employment on the 11th of June last year, and he handed in to the chairman of the Emigration Board a number of certificates. [The noble Earl proceeded to read the papers furnished to the board by Mr. Hammond, which inclosed testimonials from many eminent practitioners, giving him a very high character.] He (Earl Grey) thought it was almost impossible for any gentleman to have produced higher testimonials, and that such testimonials could not have been given by gentlemen of high standing in the medical profession to a person of the character and conduct described by the noble Earl. He (Earl Grey) concurred, however, with that noble Lord in thinking that those who signed testimonials of this kind incurred great responsibility, and that persons who gave such testimonials improperly should be held answerable for their misconduct. He had, therefore, no difficulty in agreeing to the Motion of the noble Earl; but he hoped it would be proved that the noble Earl had been mistaken in his statements.

The Earl of MOUNTCASHELL said, that the circumstance mentioned by Mr. Guthrie, that the surgeon to whom he gave

a testimonial had resided at Windsor, confirmed him in the opinion that the Mr. Hammond to whose conduct he had called attention, and the Mr. Hammond to whom that testimonial was given, were one and the same person. He believed the noble Earl opposite would find that Mr. Hammond, after a residence of some thirty years at Windsor, was pretty well known there, and if the noble Earl wished for any information respecting Mr. Hammond, he (the Earl of Mountcashell) had no doubt he might obtain it from the Rev. Stirling Marshall, of Eton College. His object in bringing this matter under the notice of their Lordships and of the public was, that some check might in future be provided against such disgraceful proceedings as he had described.

Motion agreed to.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, February 26, 1850.*

MINUTES.] PUBLIC BILLS.—1<sup>o</sup> Education; County Court Extension; Highways South Wales); Distressed Unions, Advances and Repayment of Advances (Ireland).  
3<sup>o</sup> Commons Inclosure.

### MR. FEARGUS O'CONNOR—REMOVING A PETITION.

MR. THORNELLY brought up a report from the Committee on public petitions.

Special report brought up, and read, as followeth :—

“ Your Committee have to report to the House, that Mr. Henley, one of the Members for the County of Oxford, having stated to the Chairman, that a Petition from Charterville, in the parish of Minster Lovell, in the said county, presented by him to the House on Thursday, the 14th of February, and ordered to lie upon the table, had not been reported by the Committee;

“ The Committee have to submit to the House, that they directed inquiries to be made into the said matter, the result of which is, that the said Petition was taken from the Table of the House by Mr. Feargus O'Connor, one of the Members for Nottingham.”

MR. THORNELLY said, that the report had been agreed upon yesterday morning, and would have been brought up at the sitting of the House, had the hon. Member for Nottingham been in his place. He (Mr. Thornely) understood, that last night the petition had been restored to the table, after having been absent from the House for eleven days.

MR. F. O'CONNOR said, he could

plead, in extenuation, his thorough ignorance of the forms and practice of the House with regard to petitions. A petition had certainly been presented by the hon. Member for Oxfordshire, which he did not know until after its presentation contained very extensive abuse of himself. He thought that, under the circumstances, the best thing he could do was to give it the widest circulation through the country, and he accordingly took it, and sent it to his own office, where he had it printed and published in his newspaper. In a few days after its publication, the hon. Gentleman the Member for Oxfordshire reminded him of it, and he then told his secretary to go to the office and get it. The secretary went, and brought it down on Thursday evening last, but left the House with it at half-past seven o'clock, supposing that he (Mr. O'Connor) would not come that night. On Friday evening, at an early hour, and not, as the hon. Member for Wolverhampton had stated, at a late hour last night, he came down to the House, brought the petition with him, and gave it to the clerk; and if, in taking it away, he had violated any of the rules or orders of the House, he begged, through the right hon. Gentleman the Speaker, to apologise. He was not aware that he was doing anything contrary to the rules or orders. He believed there were very few hon. Members present who would circulate, as he had done, the gross abuse of himself which this petition contained; and he begged to add, that if he were going to present a petition which reflected on the character of the hon. Member for Oxfordshire, he would give that hon. Gentleman notice of his intention, and of its contents, before he presented it. Now, the hon. Member for Morylebone had very properly given him notice that he was going to present a petition or two on Friday night, which reflected on his character; and this was the course of proceeding which hon. Members ought always to adopt in cases of the kind. He (Mr. O'Connor) should be ashamed to pursue any other course. He could only say, as he had said before, that he regretted he had so far violated the rules of the House as to take the petition away, but he had brought it back in the same state as when it was taken.

MR. HENLEY said, the petition in question had emanated from a number of parties in the county of Oxford, and that it appeared to express the opinions of the petitioners against the land scheme of the

hon. Member for Nottingham, and not personally against the hon. Member himself. In fact, all the inquiries which had been instituted had pointed to the scheme, and not to the hon. Gentleman personally. Had the petition been of a different character, he would have given the hon. Gentleman notice; but, as it was, he had privately explained to him the nature of the petition on the very day he presented it.

Report to lie on the table.

#### POOR RATES (IRELAND) — EXPLANATIONS.

MR. BRIGHT said, it would be in the recollection of the House, that when the noble Lord at the head of the Government proposed advances to the distressed Irish unions, he (Mr. Bright) had made some statements with regard to the difficulty of collecting poor-rates, in the west of Ireland, from persons moving in the upper ranks of society. Among these statements was this one—that he learned, while in the west of Ireland, that an hon. Member of that House, the representative for an Irish county, had made over to a near relative certain goods and chattels, the furniture of a house—that was what he meant—for the purpose of saving them from the seizure of the parties authorised to collect the poor-rates. The authorities on which he made this statement were, he had every reason to believe, competent and well qualified to give correct information. He had not had an opportunity since to communicate with them as he should, of course, hereafter do. But he had had a communication with the hon. Member to whom he had referred, who had laid before him facts, and allowed him to see documents, from which he was bound to believe that that part of the statement which referred to the transfer of any portion of this property to his relative at all, or for any such purpose, was not founded on fact—that, therefore, his informants were either ignorant, or they had misapprehended the facts. He came forward, therefore, without communicating with the gentleman from whom he received the information, relying on the statement of the hon. Member, and anxious, the first moment it lay in his power, to retract that which would detract from any gentleman's character, to make this public statement. The last thing he desired to do was to say anything unnecessarily to offend; and on the occasion in question he had studiously avoided names, and simply brought what



he conceived to be a public grievance before the notice of the noble Lord. He hoped the hon. Gentleman would be satisfied with this retraction of the statement.

MR. H. HERBERT said, the hon. Member for Manchester had certainly come forward in a very candid manner to explain that portion of his statement which had reference to an hon. Member of that House. He (Mr. Herbert) was not aware that the hon. Member was about to make the explanation, otherwise he would have read a letter from a gentleman of large property in the district of Ireland alluded to, controverting other portions of the hon. Member's statement. But, at the proper time, when the Bill was again under discussion, he would controvert that statement.

#### ATTORNEYS' AND PROCTORS' CERTIFICATE TAX.

Motion made, and Question proposed—  
“That leave be given to bring in a Bill to repeal the Attorneys' and Solicitors' annual Certificate Duty.”

SIR DE L. EVANS seconded the Motion.

LORD ROBERT GROSVENOR said: Towards the close of last Session he had occasion to bring before the House the grievances of the journeymen bakers. He then expressed a fear lest, Parliament being so much in the habit of considering questions of a superior magnitude, he should experience some difficulty in obtaining its attention to one involving the interests of what, comparatively speaking, was a small section of the community. Upon the present occasion, he was about to request the attention of the House to the case of a still smaller class: he meant the attorneys and proctors of this country, by moving for leave to bring in a Bill to abolish the certificate duty which was now annually levied upon them, and which they considered to be unjust and oppressive.

Upon the former occasion to which he had alluded, he had no reason to complain of the kind attention which the House afforded him, but he addressed a very select audience. Upon the present occasion he perceived a very different state of things, and he was not then likely to speak to empty benches; and he was not surprised at it, for if any class of the community ever realised the aphorism, that “knowledge is power,” it was that whose cause he was then advocating; for what had been

written of them was, he believed, true, that if all the secrets of all the confessionals were laid open to the public, not nearly the same amount of wide-spreading mischief and ruin would ensue, as would be caused were the confidential communications made to the attorneys and solicitors of England to be divulged; and he would mention, in passing, that he thought it highly creditable to their countrymen engaged in that profession, that so few breaches of trust came to their knowledge—a fact which surely entitled them to our respect and consideration.

Were the whole of that fraternity united in their endeavours to get rid of this tax, by an equally suffering sense of grievance, there could be no doubt of the result; but it was so injuriously framed, as he should have occasion to show, that the wealthier members of the profession had by no means the same interest in its removal with the less fortunate; yet notwithstanding this circumstance—notwithstanding the prejudice he must encounter—notwithstanding the feebleness of the advocate—so great was the confidence which he had in the justice of their cause, that even should his noble Friend oppose him, which he trusted he would not do, with the whole strength of the Government, he had every hope of obtaining the sanction of a majority of the House to his proposition. With this preface he would endeavour shortly to lay before the House the origin, the nature, and operation of this tax.

Towards the close of the last century, Mr. Pitt, driven to his wit's end to discover resources to meet the exigencies of the times, induced Parliament to impose a tax upon shops, which it was supposed would realise a considerable sum; however, it was so unpopular that he was obliged to modify it, and it was soon discovered that the sum likely to be derived from that source would fall far short of the calculation. New expedients must therefore be devised; accordingly, Mr. Pitt proposed a tax upon housekeepers and ladies' maids, which was met with such a torrent of ridicule from the Opposition of the day, that he was compelled to withdraw it; and it was then that he, for the first time, took into his serious consideration the plan of taxing this branch of the legal profession—he said his serious consideration, because, on the 23rd of May of the same year, Mr. Mainwaring, the then Member for Middlesex, had made a similar proposition, which Mr. Pitt had himself rejected as inconsistent with

the principles of taxation; however, as necessity knew no law, so he presumed it recognised no inconsistencies, and accordingly Mr. Pitt shortly after proposed the annual certificate duty, and also a tax upon warrants. When Mr. Pitt proposed this duty, all Parliamentary difficulties vanished; the House (notwithstanding a caustic remark of Mr. Fox, that they would perhaps find that this tax would be paid out of their own pockets) seemed in an ecstasy at the idea of plucking an attorney, and some language not very complimentary to the profession was made use of in the debate which followed. Sir E. Astley observed, that—

“ He rose because his tax upon dogs had been alluded to. He owned he should be indeed well pleased to see both dogs and attorneys subject to duty. He coupled them thus together, because he thought them both articles of luxury, and that those who made use of them ought to pay for it; indeed he had long wished to see a tax put upon hairdressers and men-milliners, and all those engaged in effeminate occupations.”

With the certificate duty, Mr. Pitt also imposed a duty upon warrants, and he (Lord R. Grosvenor) begged the attention of the House to Mr. Pitt's observations in proposing the impost. Having no real reason to give for proposing the certificate duty, except that he wanted money, and must have it from some source, and being obliged to say something, he remarked that he thought there were too many of these gentry, and that this would lessen the number. But, in reference to the warrants, his language was, that this was to ascertain the amount of business done by the several attorneys, so that each man should pay according to his gains and this—mark!—would free the tax from partiality. Since that time, the tax upon warrants, which was to free the tax from partiality, had been repealed; but the former part, the annual certificate duty, not only had not been repealed, but it had been augmented till it amounted to 12*l.* in London, and 8*l.* in the country, at which sum it then stood. The produce of it in round numbers was 90,000*l.* for England, 30,000*l.* for Scotland and Ireland—in all, about 120,000*l.*

The reason why he sought the repeal of this duty, was the same that originally induced Mr. Pitt to reject it—that it was inconsistent with the principles of taxation. The true principles of taxation he apprehended to be these:—That the tax should be as general as possible, and that it should be as equal as possible in its pressure; but

that if it did fall heavily anywhere, it should be upon those best able to bear it. A few minutes would suffice to show that this duty directly contravened every one of those principles. Its very name denoted that it had nothing general in its nature, and that it was in fact a duty upon one portion only of the profession. And, with regard to its equality, the income tax, after exempting entirely a large bulk of income under 150*l.* a year, proceeded to charge the remaining income of the country at so much per cent, according to the amount of the property enjoyed—on the profits made—and although objection had been taken to taxing all sources of income alike—and be it observed, those very profits of professions were considered as exceptional—yet at least they had an ostensible equality; but in the assessed taxes Parliament carried the principle still farther, for not only were vast numbers exempted, but the duty actually increased in amount according to the supposed ability of the individual to bear it, tested by the number of taxable articles he made use of. But how did the House deal with the attorneys? It first taxed their profits with those of all other professions and trades 3 per cent, and then coolly proceeded to lay an additional duty upon them, equivalent to 4 per cent, levied in such a manner that whilst the wealthiest paid scarcely  $\frac{1}{2}$  per cent, the neediest paid 12. But the tale of injustice was only half told: not content with that, the House then mulct them in larger stamp duties than those imposed upon any other class of the community. 120*l.* articles of clerkships; 25*l.* on admissions, producing another annual sum falling not far short of the former; in England alone by the last return it amounted to upwards of 68,000*l.* So that they literally paid an annual amount of 10 per cent upon the profits which they earned with great mental exertion, levied in the partial and unjust manner he had described.

But a reply might be attempted, that this was not a duty, but a licence to practise, which they paid in common with auctioneers, pawnbrokers, and one or two other callings; or that the attorneys were wealthy, and levied large contributions upon the public, and were well able to pay it; or that, in fact, they did not pay it, but it came out of the pocket of the employers. He would answer these objections in the order in which he had placed them; and, first, with regard to its being a licence.

They might call it a licence, although it was not so called in the Act of Parliament; but call it by what name they pleased, they could not diminish its injurious and oppressive operation; and with regard to the auctioneers, and one or two other callings paying annual duties, there was no strict analogy between those cases; and even if there were, the fact of there being two unfair imposts levied, unless two negatives made an affirmative, could never justify such a tax as that. But it was said the attorney levied large contributions upon the public, and, therefore, should pay. If they thought so, the duty was an illegitimate method of reducing his gains; other and better ways were open which they had not hesitated to make use of, and which he hoped they would carry still further. But if it was said that, after all, the attorney need not complain, because it was not he who paid, but the suitor, then, granting, for argument's sake, that the supposition was true—and he should presently show it was not—how perfectly inconsistent it would be, after repealing the duty on warrants as a tax on the administration of justice, and doing all in their power to diminish legal expenses, were Parliament to retain this tax, because, in fact, it was not the attorney but the suitor who paid it. But if it were true that the suitor paid the tax, and not the attorney, how happened it that hundreds of petitions had come to Parliament praying for its abolition? and that last year, 600 attorneys, being unable to continue their payments, were struck out of the law list, and rendered incapable of earning a farthing, and some indeed had been reduced to so great distress, that, in one instance which had come to his knowledge, a man who had contributed, in the various methods he had described, 600*l.* to the revenue, which, paid into an assurance office, would have secured him a comfortable provision for his declining years, and guaranteed him against all contingencies, was absolutely compelled to resort to public charity, if not to the very workhouse itself, to save him from starvation?

No doubt at one time the profession did make great and undue profits; but times were changed—Parliament was daily reducing them. Amongst other measures which had already been passed with this object were the Acts for the abolition of fines and recoveries, of leases for a year, and of outstanding terms; there were also the Acts called the Law Amendment Act,

and the Uniformity of Process Act, by which the pleadings were reduced from thirty to three folios. Then there was the County Courts Act, which he saw there was, in that very night's Paper, a notice to extend; and actually last year, by one stroke of the pen, the Legislature deprived them of a revenue amounting to 40,000*l.* a year, by discontinuing the discount formerly allowed on the purchase of stamps above the value of 10*l.*

And there was another Act which would greatly tend to reduce attorneys' profits, and simplify proceedings, which he hoped to live to see passed; and he only trusted that his friends the Protectionists opposite would not do as they did upon a former occasion—try to perpetuate one of the greatest burdens of land, when it was proposed to remove it—he meant a register of all deeds and instruments affecting real property.

The Member for Bucks, in the course of several able orations which he delivered to several justly-admiring, though he must think somewhat bewildered audiences, said much about cheap capital, by which he (Lord R. Grosvenor) presumed he meant that the landowner should be able to borrow at a moderate rate of interest. In the desirableness of that, he most fully concurred; but he confessed he was surprised at the cumbrous machinery by which the hon. Member proposed to effect his object, when so simple a method was at hand, for he (Lord R. Grosvenor) was convinced that with a good registry, a landowner would be able to obtain money at 3 per cent instead of 5, and that not to a little more than half, but to the full value of the property he desired to charge. He would not, however, then pursue that subject further.

He had shown what the legitimate means were which they possessed, if they so pleased, of diminishing the profits of the attorneys; they had already made use of those means, and the attorneys themselves, he presumed, did not much admire this process of elimination, but they made no complaint. What they did complain of, and that most bitterly, was, that Parliament continued to subject them to this most unjust tax, whilst every day they were making them less able to bear it. Were it necessary, he could show to the House some curious specimens of the manner in which this, like all other unjust taxes, operated injuriously to the comfort, the independence, and morality

of the managing clerks, and other subordinate functionaries of the profession; but independent of his desire not to weary the House, he thought he had already established a case for his clients, which would insure a verdict in their favour, and he should sit down, were he not desirous to combat an objection which he knew existed in the minds of some Members, namely, that this duty operated as a check upon an undue influx into the profession of a low class of men. In the first place, let him observe, that if the tax deserved the character he had given of it—and it could not be refuted—it was bad policy to do evil that good might come of it; but there was another consideration which, perhaps, might have still greater weight, namely, that like almost every other specimen of such crooked policy, it did not answer its end. The grandees of the profession once thought so too. They had since altered their opinion, and they had found that in this, as in all other cases of unjust and immoderate duties, temptation begot the illicit trader, who stepped in and made a profit at the expense of the honest and conscientious practitioner. He called on them to listen to the language of Mr. Maugham, the secretary of the Incorporated Law Society, and executing the office of registrar of attorneys, a man perfectly cognisant of the facts to which he deposed, and the whole status of the profession. He says—

“The Incorporated Law Society have received numerous complaints that attorneys, practising in a limited and inferior class of business, derive emoluments from other attorneys, who are unable to take out their certificates, and who practise in the name of such certificated attorneys, and participate in the profits of the business, contrary to the express provisions of the statutes, and to the injury of the public. By these means, they not only evade the payment of the duty, but commit acts of malpractice, and of oppression, against the poor suitors of the court, and generally escape punishment. For, if complaint be made against the attorney, in whose name the malpractice took place, he denies that he authorised the use of his name, and, generally, there is no sufficient evidence to contradict him.”

But besides that, had they no other guarantees for the respectability of the profession?—had they forgot the 70,000*l.* a year that they would still levy upon the profession after the certificate duty was gone? 120*l.* for articles, 25*l.* upon admission, not to mention 200*l.* or 300*l.* premium, five guineas in fees to the courts on admission, and, above all, a strict examination into their general knowledge, as well as their legal attainments. Why, if this were not

enough to secure the selectness of the profession, additional precautions in the shape of pecuniary barriers would only have the effect which this duty had already effected, of encouraging illicit practice, from the temptation it held out, of the profits of dishonesty. In a former part of his address he had demonstrated the abuses of the tax, he had then shown that it had not even the meagre uses which some had imagined to belong to it; and he had only to advert to the considerations of revenue involved in its repeal. A very few words would suffice: although some doubt was thrown, in the course of a recent debate, upon the actual amount of two million surplus, which was announced the first night of the Session; yet it was quite clear that there would be more than an ample margin for the revision of this tax, without in any way at the same time prejudicing that calm consideration of all the interests of the country, which his right hon. Friend the Secretary of State for the Home Department claimed the other evening, when the financial statement should be made. But even were that not the case—even were the state of the revenue such as to require the substitution of some other means of taxation on the repeal of this, his case was equally made out. He had shown that it was unjust in principle, and most oppressive in its operation—in short, as Mr. Pitt truly said, that it was inconsistent with every principle of taxation. And, however pardonable such an impost might be, when the country was surrounded with difficulties and perplexities, it was high time, after thirty-five years of European peace, that these war taxes were swept from the Statute-book. He was well aware of the imperfect manner in which he had performed the duty entrusted to him; but at the same time, so strong was the conviction he entertained of the justice of the case, that he had no fear of the result. He therefore moved for leave to bring in a Bill to repeal the tax.

MR. HAYTER trusted he should stand excused to the House if he abstained upon the present occasion from entering into any discussion with regard to the merits of the question which the noble Lord the Member for Middlesex had been pleased to bring before the House, and that the House would concur with him in the suggestion he would venture to make. It would be in the recollection of the House that the noble Lord (the First Lord of the Treasury) in the course of yesterday



stated that his right hon. Friend the Chancellor of the Exchequer was prepared on the 15th to lay his financial statement before the House. Now, the question which the noble Lord had introduced involved in itself directly a diminution of annual income. The noble Lord had stated, and correctly, that the amount received in respect of these certificates was upwards of 120,000*l.* a year; but he must permit him to say that there were other considerations involved in the discussion of that question, and which would be materially affected by a decision in favour of the Bill. There was a vast variety of personal taxes, for licences and permission to carry on businesses which affected many branches of industry in this country. The decision on this question would have a material, or at any rate some, effect on the question of how far these should be continued. Now, the amount that was received by the revenue in respect of certificates and licences together amounted to more than a million and a half of money. This was too large a consideration to enter upon at the present moment, and while there was an uncertainty with respect to the statement of the Chancellor of the Exchequer. But this was one of the evils of having a surplus, that a thousand interests were putting in their claim for relief. His right hon. Friend the Member for Manchester proposed to abolish at once all the taxes on knowledge. Another hon. Gentleman had given notice for the abolition of the duty on bricks; and the hon. Member for Bridport was desirous that all the duty should be taken off timber. And they had had a Motion proposed which some Gentleman might think had not been decided rightly, which would have absorbed the whole surplus. Under those circumstances he trusted that the noble Lord the Member for Middlesex would postpone his Motion, or rather that the House would permit him to suggest that the wiser and better course would be to adjourn the present debate until after the Chancellor of the Exchequer had been enabled to lay his statement before the House, when all the claims on the surplus could be made at the same time, and those who made out the best case would be successful. He proposed, as an Amendment, that this debate be adjourned till Friday, the 22nd of March.

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MR. COCKBURN had come down to the House prepared to support the Motion of the noble Lord the Member for Middlesex; but he quite concurred in the impossibility of pressing the Motion after the appeal made by the right hon. Gentleman the Se-

cretary of the Treasury. He trusted that in the interval the Government would take the matter into their most serious consideration, for the tax was one of the most unjust and oppressive at present existing. The attorney paid the income tax upon his income, and taxes on consumption—which other people paid; and yet the Government compelled him exclusively to pay an additional sum on account of his profession, from which every other profession, be it that of barrister, physician, clergyman, architect, or any other, was entirely exempt. Therefore, although there might be numerous applicants seeking to divide the surplus which the financial statement would disclose, on the other hand, the Government ought to remember that it was their duty to be just before they were generous, and first make remissions of burdens that were unjust and oppressive, before they came to consider remissions of mere policy and expediency.

COLONEL CHATTERTON was prepared to support the Motion, but he perfectly agreed that it would be better now to defer the discussion.

SIR DE L. EVANS hoped it would go forth that the Motion had not been met by a negative, but that the debate was merely adjourned.

Debate adjourned till Friday, 22nd March.

#### EDUCATION.

MR. W. J. FOX begged to move for leave to bring in a Bill to promote the secular education of the people in England and Wales. He said he could not approach this subject, to which he had undertaken to call the attention of the House, without a deep sense of its difficulties. Those difficulties were indeed not the same as in former years. There were many points he was now entitled to take for granted with which he need not trouble the House. It was no longer necessary to prove that education was good—good for the individual, and for the community; that it leads to the abatement of crime and to improvement in manners and morals. Now, although it was held by many that on the one hand it was the duty of Government to educate the people, and on the other that education was a religious question, and that religion was voluntary, and should not have the interference of Government, yet between these extreme opinions there was, he apprehended, a large number of persons who held that although the Government should

not educate the people, yet they would exercise a legitimate function in providing that the people should educate themselves, and it was on that view that he had constructed the measure which he should have the honour to submit to the House. The difficulties that attended the educational question, he had said, were not the same now as formerly. They formerly arose from indifference, but they now arose from zeal. Different religious bodies regarded it as something which they might connect with their peculiarities, to which they might make it subservient. The consequence was, that parties avowedly engaged in the same work of instruction and enlightening the public mind, were continually quarrelling with each other. The efforts which had been made for the promotion of education were most honourable to all parties concerned. Of late years the Church had put forth a magnificent degree of fervour and influence in these matters. Dissenters had been the tried friends of education from the very beginning of those efforts which in modern times had spread it so much among the poorer classes; and he believed that the Committee of Privy Council on Education had endeavoured, with great judgment and tact, to encourage those great bodies who have an earnest interest in the cause, to promote their efforts, to stimulate them when lagging, and to guide them when zealous. But what was the state of those great bodies? That they were in collision with each other; that a large section of the National Society repudiated grants of the public money; that a large body of Dissenters, and the British and Foreign School Society, also repudiated these grants; that the Committee of Council had striven in vain to bring together these jarring elements; and that as a consequence the progress of education had been stayed, and he thought in some respects a retrograde movement had commenced. Now, this was a state of things most earnestly to be deplored. He found that the dissenters, the congregational dissenters, who a few years ago declared that they would have nothing to do with Government in this matter—that they could raise a sum of 200,000*l.*, and show that their denomination, at least, could educate itself, had failed in that purpose—instead of raising 200,000*l.*, they only reported that 60 per cent, or 120,000*l.* was known to have been expended for educational purposes within this period; that only 7,000*l.* had passed through the hands of



the board; and they had announced, though with hopefulness as to the future resumption of grants, that for the present their grants to poor schools were suspended. While that was the case with them, how was it with the National Society? He found by the last publication of their annual report, that

"the support of schools continues a matter of greater difficulty than the building of schools, as it is found easier to rouse men to one great effort than to induce them to give a steady and lengthened support."

And as an evidence that this was not the only difficulty, he found in one of the reports of the Inspectors that in the north-eastern district the attendance of scholars was much less than it might be; that with accommodation for 33,656 scholars, an average of only 14,791 children had been attending instruction there. In one of the monthly papers published by the National Society during the last year, it is stated that

"the state of its finances had become more depressed, and the Committee had been compelled to suspend their operations for the present in building and enlarging schools. They had also considered it prudent to make reductions in the instances of St. Mark's College, Chelsea, and the Battersea training institution; and they also fear that they will be compelled to diminish the supply of teachers at the very time when the exigencies of the Church require that they should be increased."

Now he took these statements to be good reason for calling again the attention of the House to this subject. He knew it was but three years since it was discussed, and very freely discussed; but when they found that the machinery had got into such disorder, and that instead of progressively increasing they were in danger of diminishing their usefulness, it was surely time to inquire what means could be taken to stay this downward course. There were other reasons why the subject could with advantage again be brought under the consideration of the Legislature. During the period that had elapsed, a variety of important documents had been published. In the reports and minutes of the Committee of Council, and in the evidence afforded by the inspectors, there was very much indeed which bore both on the extent and on the quality of the education as now administered in this country, and showed that in both particulars there was great reason for prompt and careful attention to the subject. As an additional reason for calling so soon the attention of the House to the subject, he

might also mention that in various parts of the country there was an educational movement which the Legislature should recognise, and which imperatively demanded attention. The people of Lancashire, with that energy which distinguished them, had formed a scheme for the complete education of their entire county—he alluded to the proceedings of the association for the secular education of the county of Lancaster. In Scotland, highly advantageous as its position had generally been supposed, in consequence of its ancient parochial system, there were complaints; and these complaints took the same direction, and adopted the same tone. That religious country—a distinction which it had always so honourably earned—felt that more secular education was necessary to give religious education its full efficiency. They had circulated a declaration through the country to that effect, and had backed their opinion with the venerated authority of the late Dr. Chalmers. Besides this, in the metropolis and other places the workpeople themselves were showing a lively interest in the education of their offspring. They had associated themselves for the purpose, if they could, of obtaining it. Many individually had made great sacrifices for the accomplishment of the object. But feeling that they could not in that way fully realise all they desired, they had combined—still adopting the same principle, and pursuing the same object—of more secular education than was furnished by the schools at present in operation. This feeling had been yet further tested by the establishment in London of a number of schools, where the training of the faculties of children was carried considerably further than was usual in schools. They were not charity schools; they were self-supporting, and had even become profitable; many hundreds of the children of the working-classes attended—the boys paying 6d., the girls 4d. a week; and these schools had attained considerable popularity with the class for whose advantage they were designed. Thus, both the discouraging circumstances and the popular movement acted in the same direction and led to the same result, namely, that the time was come, short though the interval was, for taking some further step, for making some advances in this matter. But there were reasons stronger and more urgent even than these. No person could consider the comparative condition of this country and other countries as to educa-

tion, without feeling that the nation to which we belonged was not supporting its high character and its ancient prerogative. It appeared from some statistics which were furnished by the noble Lord the Secretary of State for Foreign Affairs, and printed in the Minutes of the Council on Education, that the proportion borne by the children at school to the entire population in various countries of Europe, and in some of the States of America, was as follows:—in Prussia, 1 in 6; in Bavaria, 1 in 7 at day schools, and, reckoning every kind of elementary school, 1 in 5; in Holland, 1 in 8 at public schools, besides those under private tuition; in Belgium, 1 in 9; in Pennsylvania, 1 in 5; in Massachusetts, 1 in  $6\frac{1}{2}$ . The very highest estimate of the most sanguine calculator of this proportion in England—he meant Mr. Baines—only gave it at 1 in  $8\frac{1}{2}$ ; but if to make out this proportion every kind of school, day and Sunday schools, were reckoned, still there was great reason to believe that it was very inaccurate, and that 1 in 13 would be much nearer the mark. Not only would he direct attention to the general deficiency of education, but to its exceeding irregularity. It was not the same in any two counties, nor in different parishes of the same town, nor in different classes of the working people. In the localities where most attention had been paid to this subject, it was reported that in the district of Vauxhall, Liverpool, the proportion attending day schools was 1 in  $11\frac{1}{2}$ ; in Blackfriars, Salford, 1 in 36; in the diocese of Chester, 1 in 20; in Sheffield 1 in 11; in Manchester, 1 in  $14\frac{1}{4}$ . Taking the different counties of England, a most enormous variation from the average of instruction was found. In Mr. Fletcher's statistical tables, it was stated—

“Taking the men's signatures by marks in the marriage registers in England and Wales (1844) as indicative of ignorance—Middlesex, Surrey, and Cumberland, are above the average of instruction by 59·7, 53·2, and 52·1 per cent. Bedford, Monmouth, and Hertford are below, by 53·0, 53·3, and 53·8 per cent. Nearest the average are Warwick and Chester, being above 0·3 and 0·4.”

So that the map of England had its light and dark spots, and they continually intermingled in the strangest manner. While, according to recent returns of the Registrar General of England and Wales, one-half the population did not know how to write their names, it appeared from well-authenticated returns from 474 cotton mills

in Manchester and the surrounding district, that no less than  $82\frac{1}{4}$  per cent of whole number of factory operatives could read. The disparity extended even to the sexes. In the National schools in London and the neighbourhood, there were three boys educated to two girls; but in British and Foreign schools in the metropolis and its neighbourhood, there were only one girl to two boys. Everywhere was found disparity, irregularity; and there called for some such measure as he had endeavoured to provide—namely, to excite the localities to exertion, to call forth the principle of emulation between different districts, which should make each anxious to vie with its competitors, and to produce at least as good, if not a better and more complete, system of general and efficient instruction. There was yet something more to be considered—the efficiency of education as well as its extent. How had it succeeded in that which was most confidently anticipated to raise a barrier against criminality? He was aware it was touching an argument which those who were disposed to take any logical advantage of an opponent might endeavour to turn against him, and that it might, in appearance, but in appearance only, be made to recoil upon education itself. He should endeavour to guard against such an inference, which was altogether unwarranted by the facts. From tables presented to this House, the abstracts of various years, he derived these very striking and impressive results, showing that education as now administered had had comparatively little effect in the abatement of crime. He took the years from 1837 to 1848 inclusive, and would adopt the classification of criminals now generally used under five heads, namely, of those who were unable to read and write; those able to read and write imperfectly; those able to read and write well; and those who had received a superior education. During the years above mentioned the gross amount of crime had undergone great fluctuations; it had risen, fallen, and risen again; but, in the relative proportions of the criminals classified as above, there had been no such diversity, but a continuous process, teaching the lesson it was adapted to convey most impressively. For instance, the first—the least instructed class—had not become more criminal; it had been placed under more beneficent influences than in former years, and those influences had operated. During those twelve years the per cent

of those unable to read and write had decreased from 35·85 to 34·40, 33·53, and so on—down at last to 31·93. In the same time the per centage of criminals who had received an instruction superior to reading and writing had also decreased from ·43 to ·27 per cent. Thus the two extremes showed a decreasing proportion; whilst in the intermediate classes, those who could read and write imperfectly, and those who could read and write well—that was to say, those trained according to the system of instruction now generally practised in our schools—there had been an increased per centage: of those who could read and write imperfectly, from 52·08 to 56·38; and of those who could read and write well there had been an increase also, but a very slight one—only from 9·46 to 9·83. The great increase in the relative proportion of criminals had been in those who could read and write imperfectly—children who had been at the schools which now furnished the great mass of instruction to the poorer classes. It was shown by the able papers of Mr. Fletcher, the inspector of the British and Foreign Society's Schools, that a similar result obtained. He said—

“ While the total increase of commitments from 1837, 38, and 39, to 1842, 43, and 44, was 23 per cent, the increase in the wholly ignorant was only 11·6 per cent; and while the decrease in the total commitments from 1842, 43, and 44 to 1845, 46, and 47, has been only 13·2 per cent, the decrease in the wholly ignorant has been 15·6 per cent.”

There had therefore been an advance in criminality amongst those who enjoyed the instruction of the schools as they at present existed. Though feeling, with the great majority of the House, that religious instruction was the most important that the child could receive, he had also a conviction that to make that instruction produce its genuine results, there must be a proportionate admixture of that communication of knowledge, and of that training of the faculties which, in common parlance, was designated secular teaching. To the want of this he ascribed whatever there might be of failure in the efforts that had been so extensively made to benefit the rising generation. Without this, the religion they gave the child was mere words, whose meaning he did not feel or comprehend; he might repeat them, but they did not sink into his mind. They required the atmosphere of other instruction, and the stimulus of his own reflective faculties. The results of the gaol returns were also

of a kind to bear out this conviction, and to increase our dissatisfaction with education as now generally administered. He would take the gaol returns presented in 1848—the last he had seen; and he would take the test generally applied by the gaol chaplains—whether the parties committed could repeat the Lord's Prayer—a very legitimate test to apply in this case. The children whose parents taught them that prayer were not generally the children to find their way into gaols—while those children who had been abandoned entirely, the children of reprobate parents, who had not been to school, would not be able to repeat, even as a dry form of words, that symbol of devotion which was so dear to all Christians. He took, therefore, this test to separate the children who had been at the existing schools from those who had not. Of course there were exceptional cases; but they were not numerous enough to affect the argument; and he assumed, if a child could repeat the Lord's Prayer, that he had been at some school or other, British or national, public or private, day or Sunday school. In the county gaol at Reading, out of 631 prisoners there were only 204 who could not repeat the Lord's Prayer, leaving 427 who had gone through a nominal education. In Cambridge county gaol, 61 out of 229 were unable to repeat the Lord's Prayer, leaving there 168 who had gone through a nominal education. In the Cornwall county gaol there were 684 prisoners, of whom 139 could not bear this test, leaving 545 there who had gone through a nominal education. Of 674 prisoners in the Dorset county gaol, only 57 were unable to repeat the Lord's Prayer, leaving 617 nominally educated. In Lancaster county gaol, out of 603 prisoners 115 were in this predicament, leaving 488 nominally instructed. In the Sussex county gaol, out of 522 prisoners, 80 were ignorant, leaving 442. These returns bore out to a large extent the assertion he had made. He could follow them up by other calculations of a similar description. Returns procured by individuals from a great number of the governors of gaols showed that out of 9,387 prisoners, 5,875 had been at Sunday schools, to say nothing of other schools. He was merely giving specimens of the different classes of evidence, the whole of which would fill volumes. Let them take report after report, and they would find analogous results. The impression which this evidence conveyed—of the

needful accompaniment of secular instruction and intellectual training to render religious education valuable, and enable it to produce its fruits—seemed to have been imparted in a greater or less degree to the minds of almost all the parties concerned. The statements of gaol chaplains, governors of gaols, inspectors of prisons, inspectors of schools, all tended in the same direction. They might give it more or less explicit utterance, but still this was clearly in their minds. The chaplain of the Pentonville prison said in his last report—

“I am compelled again to confess that the proportion of convicts who have been educated in some sort, as compared with those totally uneducated, is fully as high as that which exists between those classes in the general population—a fact which should lead to the inquiry wherein the popular education is defective.”

The same chaplain, in his report for the year, said—

“Of the 500 prisoners 178 had attended some sort of school upwards of four years; 58 less than four; 193 less than three years; and 71 not at all, being a little more than four years’ schooling on an average to each. Their attainments, however, will show the miserably defective character of the instruction which they received; for I do not think that the scholars, with some exceptions, were of much inferior intellect or much worse disposed than the generality, whilst their position as criminals, convicted of most serious offences, seems to argue that their moral and religious training was even more discreditable. Only 259, upon admission, could read with any degree of intelligence an ordinary book. A larger number could follow another person reading, as in divine service, with the Bible and Prayer-book in their hands, but in the way of learning to read rather than with understanding or ease.”

The prison inspectors had borne similar testimony. In the 14th report of the Exeter county gaol, the inspector stated that he had examined 120 prisoners, of whom 21 could not repeat the Lord’s Prayer, 43 could repeat it, 51 could repeat part of the Catechism, and 5 could repeat the whole Catechism—giving 99 nominally trained prisoners to 21 altogether untrained. The 14th report from the county gaol at Bodmin showed that of 684 prisoners, 465 could repeat the Lord’s Prayer more or less correctly, and were acquainted with the simple truths of religion, and 80 had a good general knowledge of the Scriptures. Thus, 545 out of 684 had gone through the training of the schools. Mr. Fletcher, the inspector of the British and Foreign Society’s Schools, appended this remark to his last report—

“However essential such a training may seem to any course claiming the name of education, it

has yet to be commenced for all the children in our schools, except a few in the top classes of the best of them. And grateful indeed as we ought to be for the degree of instruction which has been spread among the poorer classes, their ‘day-school education’ is still in its infancy, even in the most favoured places; while in remote, though often not less densely populated districts, its existence is little more than nominal, whatever may be the exceeding number of infants ‘kept quiet’ in the kitchen of the dames, or of uneducated and untrained teachers earning a scanty pittance under permission to assemble a few children on week-days amidst the superfluous desks and benches of the Sunday schools.”

The Rev. Mr. Moseley, whose reports were always deserving of the very closest degree of attention, had generalised more his remarks on this subject in the last report of the schools in the Surrey district. He said—

“It is consistent with my own experience, and, I believe, with that of all other inspectors, that there is most religious knowledge in those schools where the reading of the Scriptures is united in a just proportion with secular instruction, and where a distinction between the functions of the day school and the Sunday school being observed, something of that relation is established in the school between religious principles and secular pursuits which ought to obtain in the after-life of the child. This is a grave error which confounds religious knowledge with a religious character, and that no ordinary sacrifice which is made of the veneration due to the word of God, when it is constantly applied to a secular use.”

Another inspector, the Rev. F. Cooke, of the metropolitan district, said—

“Religious instruction is advanced in proportion to the proficiency of children in other studies, and so far as outward observation goes, the best effects are produced upon the moral principles and conduct.”

The Rev. J. Blandford, school inspector of the East Midland districts, said—

“Out of 12,786 children who were present at the examination, I find that 2,891 can read the Scriptures with ease, and that 651 can read books of general information with ease and fluency.” “In a large proportion of them the books in general use are of a religious kind; and even when others are introduced, the supply is generally very scanty. I need scarcely say that it is impossible for a teacher, however earnest and intelligent, to raise the standard of instruction in his school, and to have it in an efficient state, without an adequate supply of books and apparatus.” “I cannot speak favourably of the actual amount of knowledge possessed by the children, or the general efficiency of the schools. The standard of instruction is very low. Upon the whole, they possess a fair amount of Scriptural knowledge.”

School after school reported “no secular reading books,” “deficiency of books,” and that the children were receiving religious instruction, that was to say, they re-



peated prayers and catechisms, but that there was a great deficiency of secular books. The Rev. Mr. Thurtell, inspector in the north-west district, stated that—

“Very few of the teachers were able to read well, and that it was manifest the state of instruction in these schools was in general very imperfect.”

The Committee of Council itself was aware of the deficiency; for in their Minutes they observed that while the managers of schools—

“had been enabled to procure a sufficient supply of Bibles, Testaments, religious formularies, and books of religious instruction, other lesson and text-books were often either not found in elementary schools, or only to a very limited extent.”

The National Society itself seemed to perceive that it had laboured under some mistake on this ground. The inspector said of the teachers training at St. Mark's College—

“They will be men, I think, fond of study and desirous of self-improvement. Whether in the estimate they may have formed of the subjects proper to the education of the industrial masses of the country, or in the knowledge they may possess applicable to it, they will be found equal to the exigencies of the times, remains to be proved.”

The deficiency as to the exigencies of the times was pointed at in the 37th report of the National Society. After mentioning some comments on the Scriptures, which were required, it said—

“To this list of books required may be added a work on the elements of political economy for the use of teachers; and a very simple book on the same subject might be advantageously put into the hands of the children. This is a topic which is now beginning to be discussed among all ranks: and it is impossible to over-estimate the importance of early imbuing the minds of persons with some maxims on this subject, in order to prevent their imbibing any of the false and pernicious theories which are now broached. How to foster the accumulation of capital in a country, and protect it when accumulated, and at the same time to prevent the manual labourer from being unduly ground down and oppressed, is felt to be one of the great problems of the day; and if the science of political economy cannot solve this problem it can at least prove to the capitalist that it is always, in the long run, his interest to care tenderly for his workmen; and it can demonstrate to the workmen that they are equally dependent on the capitalist.”

To these evidences he would add the testimony of an intelligent American observer, Mr. Horace Mann, so well known for his exertions in Boston, and so long connected with schools there, who, not very long ago, had made an educational tour throughout Europe. In his remarks on the schools

and the religious teaching of this country, he said—

“After the particular attention which I gave to this subject, both in England and Scotland I can say without any exception that in those schools where religious creeds and forms of faith and modes of worship were directly taught, I found the common doctrines and injunctions of morality, and the meaning of the preceptive parts of the gospel to be much less taught and much less understood by the pupils, than in the same grade of schools and by the same classes of pupils with us.”

To these observations of an intelligent American traveller, he would add those of a not less intelligent English traveller on the state of education in America. Sir Charles Lyell, in his recently published work on America, said—

“The clergy are becoming more and more convinced that where the education of the million has been carried furthest, the people are most regular in their attendance on public worship, most zealous in the defence of their theological opinions, and most liberal in contributing funds to the support of their pastors and to the building of churches.”

His inference from these varied testimonies was the same—not that religious teaching should be in any degree checked, restricted, or abated; but that care should be taken always to accompany it with such training and instruction as would give it its full force on the mind, and ensure its best results on the heart and character. He would now endeavour briefly to explain the provisions of the Bill which he should ask leave to introduce, and in which he had endeavoured not to supersede any existing education, but to render it all available, as far as possible, for calling forth, in supply of the undeniable deficiency, local exertions, in connexion with that central superintendence which would render them most efficient. He proposed that the deficiency in the supply of the means of education in any parish, or combination of parishes, should be ascertained by Her Majesty's inspectors. In estimating those means, he would have them take every item of educational machinery into account—national schools, British and foreign schools, schools connected with religious denominations, schools without any such connection, public schools, private schools, if they submitted to inspection; he would have them report on any and all as affording the means of instruction for the people of that district, subtracting the exclusion which might arise from too great costliness in some instances, and from exclusive religious peculiarities being enforced upon

the children, or expected of them in other instances. The amount of the deficiency of education being thus ascertained, he proposed that the locality should be invited to supply it; that the inhabitants of the district should be summoned to elect an education committee, who should have the supply of the deficiency for their peculiar work, and be empowered to rate the inhabitants for the expense necessarily incurred in carrying out their plans. He would have continued regard to the existing schools. There were two means by which the wants of the parish or district, as regarded secular education, which should be peculiarly the province of the committee, might be met: first, as in the old schools and schools already existing, by the remuneration of the teacher for so many pupils as the inspector should report him to have efficiently instructed in the elements of secular education; and, secondly, by the formation of new schools, to be properly free schools—schools to which any inhabitant of the parish or district should have the right of sending his children, between the ages of seven and thirteen, without charge, without distinction in the treatment and training of the children, with no religious peculiarities inculcated upon them, but with the right reserved and inalienable—the right of the parents to have, at certain convenient times fixed by the master, their children instructed as to religion where and by whom they pleased. He also proposed, that, on leaving the school, each child, having conducted itself to its master's satisfaction, and in his estimation deserving by its attainments, should have a present of books made, of which the Holy Scriptures should always form a portion—thus putting that volume into the child's hand at a time when his mind was most fitted for appreciating its grandeur, and for coming under its moral influences. He proposed that the teachers in these schools should be made as independent as possible. That they should be appointed, paid, and dismissed by the local education committee, giving them in the latter case an appeal to the Committee of Privy Council. And should an instance occur where the locality was so careless, indolent, and neglectful of its duty as not to undertake to provide for the deficiency, he would call upon the Committee of Council on Education to step in, and not to allow that locality to become a sink of ignorance, prejudice, and vice, to its own disgrace and misery, and a nuisance to all the surround-

ing country. The masters he proposed to remunerate by salaries, fixing the minimum at such an amount as should ensure them some considerable degree of respectability in their social position. This was of the very utmost consequence. He relied on the schoolmasters for the advancement of education. It was only through their means that we could have any hope of better and brighter results than some we had witnessed. He would stimulate honourable rivalry by the publication by the Committee of Council of a complete report, from year to year, of the state of education in every district in the kingdom, those reports finding their way into the usual channels and to the table of that House; and thus publicity and opinion would give their sanction, and would be found available for all purposes, for encouraging the meritorious, and for shaming the indifferent out of their culpable neglect of duty. He trusted he had said nothing in the course of his observations which could be fairly construed into anything offensive towards the various religious bodies who, undoubtedly, did so much for education. He proposed to put no restraints upon them. Schools might still be erected and endowed in the strictest principles of Church education; they might be put under the entire control of clergymen, and have bishops for visitors. He interfered not with any of these. On the contrary, those schools, of whatever kind, which had assisted the State in sending out, year after year, a certain number of pupils, qualified to take their place in civilised society, would, under his scheme, receive their reward according to the work they had done. The religious bodies would have the opportunity of giving instruction as heretofore, accompanied with their own peculiar religious opinions, and would have the power of making the imparting of education subordinate to what appeared to them a paramount purpose. He did not think the Dissenters would be found objecting to his proposal, because their schools would be left equal freedom. And here he would observe, that he adopted the distinction so finely drawn by the hon. Member for West Surrey, between "education" and "instruction." By education, he meant the complete training and drawing forth of the mind. This could only be accomplished by the highly-gifted teacher or the affectionate pastor or parent. Instruction, or the mere attainment of knowledge, was a lower task, which was to be accomplished by the

agency of the school, and the efforts of the schoolmaster. He used the word education, however, for instruction, as the one most commonly used to signify that which was properly expressed by the word "instruction." But there was another class of persons whose co-operation was of the utmost importance in carrying out any system of education—he meant the working people, whose children were to be instructed and trained. Unless they were with the plan—unless they coincided with it, and received it kindly, and as a privilege for their children—although it should have the sanction of the Church and of different religious denominations, it would not have that effect which it was most devoutly to be wished it should have. Amongst that class, whose intelligence was underrated by those who had not the advantage of personal communication with them, a sturdy intellect and moral sense prevailed which recoiled from charity; and whatever they might think of their feelings, rights, and privileges, he thought this sturdiness of intellect, which was invariably the result of self-cultivation, though it might not be accompanied by external culture, was entitled to respect. These people were indisposed to send their children to schools when they found them used for the purpose of proselytism; and thus a suspicion of their intentions was generated which he regretted to say was not always unwarranted. He would read to the House a passage from the manifesto of the working men of London on this subject. They say—

"We cannot consent that our children should be apportioned amongst the religious sects—that their plastic minds and nascent judgments should be subjected to an external pressure which would give them a permanent bias towards peculiar notions. This appears to us to be the very way to foment and cherish those theological distinctions which already so unhappily divide mankind. Religion is intended to prepare men for Heaven, where the society of the blessed will be united in peace and love. Why should it be made on earth the pretext for cutting up the community into sections, and separating them from one another by unpronounceable shibboleths? We have now for several years been spectators of the dispute going on between the denominations on the subject of popular education. We have noticed that they all agree as to its urgent and imperative necessity; each party has vied with the others in eloquent descriptions of the frightful condition of the working classes. We have been called 'a multitude of untutored savages,' and the places where we dwell have been designated as 'great and terrible wildernesses.' We have sat still, expecting that the religious denominations, in holy charity and pity for our sufferings, would for once

lay by their peculiarities, which they themselves confess are not essential to salvation, and agree upon some plan by which the resources of the State might be employed to rescue us from our awful condition. But we have waited in vain; the controversy has waxed hotter and more furious; our little ones have been forgotten in the fray, and their golden moments have been allowed to run irrecoverably to waste."

He believed these words to be the genuine opinion of the real working men, and their willingness to receive instruction fairly offered, gave an assurance of success to be derived from no other source. It would be expected that he should say something of the cost of the experiment he proposed; but it would be idle affectation to produce any figures on such a subject. He would remark, however, that first impressions were likely to lead to a much overrated estimate of the outlay. The association for education in the county of Lancaster made a calculation with great care, and they found that they could erect schools for the entire education of the county by a rate of 4½d. in the pound. The expenses of sustaining and managing their schools for children and adults were expected to be covered by a rate of 6d. in the pound. Such was the estimate for providing education for the entire county; but it must be borne in mind that he proposed by his present scheme to provide merely for the deficiency of education. Then he asked to have a reasonable allowance made on account of the diminished crime which would result from education and moral training, and for abatement of the enormous cost of unrestored property lost by theft. The poorer rate-payers would also find themselves repaid, and overpaid, for what they would be called on to contribute for teachers, in the instruction which would be given to their children. Beyond this general view, it would be absurd to attempt to calculate the expenses of the plan with any degree of accuracy. He had already trespassed too long on the patience of the House, but he would ask their attention for a few minutes longer. He depended on the character of the teachers for the success of his plan. In that view he was warranted by a sound observation of the noble Lord at the head of Her Majesty's Government, made three years ago, when this same topic of education was under discussion. The noble Lord then said—

"It has always been my view that you can never effectually raise education in this country till you raise the condition and prospects of the teachers of schools."

That was what he (Mr. Fox) wished to do by the salary he recommended in the measure for the masters of free schools. And if any one questioned the essential importance of the masters of schools, he would refer him to the Isle of Man, where the most perfect system of education to be found in the world existed on paper, for every parish had its school, the ratepayers had a share in its management, and every parent was made to send his children to school; yet, notwithstanding all this, these children were in a more forlorn condition than any children in the country. This was owing to the want of proper and efficient teachers. The bishop, writing on this subject to the Committee of the Privy Council on Education, says—

“That unless some plan was adopted for raising the character of the schoolmaster, they would be outstripped by the inhabitants of any other part of Her Majesty's dominions, and they would not have good schoolmasters unless they earned their position. It was not enough to have convenient school-rooms; they must also have a sufficient salary and comfortable houses to reside in.”

The fact was, that the profession of schoolmaster did not receive that encouragement in this country which was necessary to enable persons to devote themselves heart and soul to their calling. He believed that persons well qualified for the work existed in great number throughout the country. He believed that it might be said of the schoolmaster, as it had been said of the poet, *Nascitur non fit*. He believed that there existed by nature, in some minds, a disposition which enabled them to sympathise with children—to feel the difficulties which obstructed children, and to accelerate their progress, for which no amount of learning, classical or otherwise, could compensate. He would, therefore, throw the competition for masters perfectly open, without regard to training schools. He would invite true men to come forward; he would make aptitude for teaching the great test of fitness, and would reward them accordingly. The function of the teacher was one of great difficulty; it required time and patience, and it was deserving of the best honours which society could bestow. He trusted the House would judge this subject on its own intrinsic interest and importance, and not from the imperfect manner in which it had been brought forward. He prayed the House to think of the condition of thousands upon thousands of children in this country, to think of the crime which had

thriven on soils from which they had hoped it was entirely banished, and which they wished to see preoccupied by better seed, to think of those localities which continued to send forth their “hordes of untutored savages” upon society, who seemed to derive from civilisation itself facilities for becoming more unwholesome annoyances to it—he would have them think of the overcrowded gaols, the hulks, and the reluctant colonies—he would have them think of the peace, quiet, and good order which would spread amongst the homes of the well-disposed, by the general training and moral culture of the people—he would have them look to the higher motives of patriotism, and consider that the intellect and moral lustre of their country had been a glory superior to that even of its supremacy in arts and arms—he would have them look to the highest objects of all, which, when the purposes of civil society had been accomplished, still remained to be realised in the individual, who, by the means which they could afford, would be better qualified to fulfil the great purpose for which he had been formed by a beneficent Creator.

MR. SLANEY would not have ventured, after the able, temperate, and eloquent speech of the hon. Gentleman who had just resumed his seat, to address the House, had he not been one of those Members of that House who, in 1837, were appointed to make inquiries into this important subject. After a careful consideration of the evidence which had been laid before the House, he believed that the hon. Gentleman had not overdrawn the picture of the destitution of the poorer classes of this country with regard to education. The conclusion which a Committee, chosen from both sides of the House, had come to was, that it was absolutely necessary that education should be provided for at least one in eight of the population. They said in Manchester that 1 in 30 was educated; in Leeds, 1 in 27; and in Birmingham, 1 in 26. So that if they took the average of the most populous towns in the kingdom, it would be found that instead of one in eight of the population being provided with education, only one in twenty-six or twenty-seven was provided for; and if the calculation was applied to London, the deficiency was very little less. He ventured to say that the increase of population having gone on so rapidly, he did not believe that any greater proportion of the humbler classes were now provided with an adequate edu-



cation than when the Committee made their report. The generality of schools were of a most indifferent character with regard to the quality of the instruction given in them. And in the schools of the poorer classes there was an utter absence of that discipline which was most necessary for them, viz., a regular system of self-control and self-denial; their minds were not sufficiently impressed with all the importance of the great practical doctrines of Christianity, kindness, and courtesy to one another. He was grieved to find that, in consequence of the lamentable want of education in this country at present, crime was increasing ten times more rapidly than the population. He begged to suggest that an enabling statute should be passed whereby each parish might, on the mode which they should deem best, give instruction to the poorer classes in their district. Such a plan, if brought forward in a good-tempered spirit, would prevent any tyranny being exercised over the minority. He tendered his thanks to the hon. Gentleman for having brought forward this measure.

SIR R. H. INGLIS said, that after the speech of the hon. Member for Oldham—the temper and ability of which he readily acknowledged—he had waited in respectful silence to hear the opinion of some Member of Her Majesty's Government upon the proposed measure.

LORD J. RUSSELL rose, and the hon. Baronet resumed his seat: Sir, as my hon. Friend the Member for the University of Oxford seems to have expected that some Member of the Government should rise and state what view he took of the Motion of the hon. Gentleman the Member for Oldham, I do not hesitate to say that I should hope the House will not refuse permission to the hon. Gentleman to bring in his Bill. I think no one can doubt, in the first place, the importance of the subject, and, in the next place, no one could say that education is in such a state in England that no further measures are required—that there is not much to be lamented in the present deficiency of the means of education—that there is not much that good men deplore, even in the education that is given, though perhaps there is more to deplore in the absence of education amongst the great masses of people whose instruction, and still more whose training and religion and morality, deeply concern the welfare of the whole community. If such be the case, the only question that remains is, whether the hon. Member for Oldham has ap-

proached this subject in a fitting spirit—for he has been deeply impressed with the importance of the task he has undertaken—and whether the object he has in view is to provide a better education, not of one portion, not of one sect, but all classes of the people of this country. I think every one must acknowledge that the spirit in which the hon. Gentleman approached this question was worthy of the subject; that he stated fully and ably the deficiency of education; that he seemed clearly to perceive what the wants were; and, whatever may be the merits of his plan, his inclination was to produce a plan which should not excite jarring contentions, but should rather tend to unite the various opinions that prevailed on the subject. If that is the case, I think there is fully sufficient before the House to induce them to agree to the request of the hon. Gentleman, that he should lay his Bill on the table of the House. As to the further question—what the difficulties are of providing a general plan of education—whether the general plan which the hon. Gentleman proposes will overcome those difficulties—what may be the manner in which it will be viewed by public opinion—what view those who are at present engaged in education, and whose services the House I think is bound to honour—those who are engaged, whether in the great societies of this country, or whether individually in promoting and carrying on education—will take with regard to the plan of the hon. Gentleman when it is in the shape of a Bill;—that is a further question, upon which I think it better not at all to enter, than to give any imperfect opinion, perhaps not correctly founded, on the measures which the House means to adopt, perhaps not conveying what may be my ultimate judgment with respect to this plan. I, therefore, decline altogether to give any opinion as to the plan of the hon. Gentleman. I think that a far better course than that I should either prematurely commend the plan, or make to it objections which should appear to be not founded on the merits of the case itself. This I would say only that I think, perhaps, of the whole statement of the hon. Gentleman that the part which I rather doubt is as to the present state of the different societies that are carrying on education, and their failures of late years to extend that education. My impression is rather that, although the great efforts proposed to be made three or four years ago, have not had the result of so large an ex-

tension as was contemplated, both by the Church societies, and societies belonging to different religious bodies, yet that in fact the result of those efforts, as compared on the whole with the state of education a few years before, will show a considerable increase in the means of education in this country. Whether or not there are failures at present in the measures or means to carry on that education, that again will be matter for subsequent discussion. All I wish further to say is, that I thank the hon. Gentleman for the spirit in which he has brought forward his plan, and I cannot but hope that frequently as I have been disappointed in discussing this great question, whether the hon. Gentleman's plan be adopted in the manner in which he proposes it or not—I cannot, I say, but hope that such a plan of general education, discussed in such a spirit in this House, may tend to advance that great cause in which society is deeply interested, and I shall cordially concur in giving my assent to the introduction of this Bill.

SIR R. H. INGLIS said, that when he rose before, he admitted most willingly the ability and temper in which the hon. Member for Oldham had introduced his plan, but he could not adopt the principle upon which it rested, or the object at which it aimed. The hon. Member began by stating that the subject was no longer surrounded with those difficulties which formerly encompassed it. No longer, said the hon. Gentleman, was it a question whether it were or were not right that education should be given. But what was education? And what was the proposal of the hon. Gentleman? According to the views of the hon. Gentleman, he limited the instruction of man which the nation ought to provide, to those branches of learning which terminated with man in this world, omitting all consideration of his eternal destiny, for which this world was only a fleeting preparation. Again, with reference to the quality and tendency of education in different countries, he (Sir R. H. Inglis) would ask the hon. Member to reconsider his statement that education was less advanced in England than in any other country in Europe. The hon. Gentleman took his statistical tables, and said there were fewer people educated in England than in Prussia, Saxony, or France. He (Sir R. H. Inglis) asked the House what practically was the character of the education of the people of England? Would the hon.

Member for Oldham wish to change it for that which Prussia had two years ago, when she burst forth into revolution. [Mr. B. OSBORNE : Oh, oh !] The hon. Member for Middlesex said “ Oh, oh ! ” He should like to hear the hon. Member give a more distinct and definite answer. He would ask the hon. Member whether, on the 10th of April, 1848, he had not reason to thank God for the character of the people of this country? The hon. Member need not be ashamed of his own constituents who behaved so nobly on that day; and in the face of that day the hon. Member would take little credit either with present time or posterity when he undervalued the state of education from which such results followed. Whatever might be the numerical difference between the number of people who could read and write in England, Prussia, France, and Saxony, the moral conduct of the people in this country was such as to reflect credit on their education, whatever might be the amount of it. Then, the hon. Gentleman the Member for Oldham in some of his domestic statistics, referred to the different counties as showing the difference of education as compared with the number of the people. But he (Sir R. H. Inglis) believed that those statistics were imperfect. He knew a parish from which there was no return as to education, because the schools were maintained by the resident proprietors, and received no support from the national grant. The hon. Gentleman, taking his statistics from the blue books, would contend, that in that parish there was no education whatever, whereas he (Sir R. H. Inglis) believed there was hardly any parish in which there was more. The late Mr. Canning said, on a memorable occasion, give him figures, and he would use them in such a way as to come to any conclusion whatever; and if the hon. Gentleman the Member for Oldham's figures were subjected to a scrutiny, not severe, but ordinarily critical, it would be found his conclusions could not be satisfactorily borne out. But these were questions of detail on which he (Sir R. H. Inglis) would not trouble the House. He would only ask the House to bear in mind that they were asked to give their assent to a Bill which sought to promote the secular education of the people of England and Wales. The hon. Member for Oldham admitted, and he (Sir R. H. Inglis) fully concurred in the opinion, that religious education was the greatest boon which a child could receive;

but the hon. Member for Oldham proceeded to state that, notwithstanding this great boon had been extended so far, the only practical result had been a great increase of crime, and that the religious acquirement of persons was, therefore, no evidence of their morality.

MR. W. J. FOX said, that what he had stated was, that real religious instruction could not be properly conveyed to the mind unless so much of other knowledge was imparted as to allow of religion taking a deep root in the soil so prepared. If that preparatory step were not taken, it would be religious forms only, and not religion, that would be retained by the pupil.

SIR R. H. INGLIS had no wish to misrepresent anything which had fallen from the hon. Member, but certainly understood him to have expressed himself in the manner he had alluded to. He would, however, appeal to the present state of the majority of the schools where religious education was given to the children, to prove that already secular was imparted coincidently with religious education. The hon. Member appeared to suppose that nothing but religion was taught in those schools. He contended such was not the case; but that, on the contrary, in the greater proportion of the schools with which he was acquainted, there was as large a proportion of secular education given as could be obtained in any schools in England established for similar classes of the population. Look at the teaching of the National Society, and see how much secular education, how much general knowledge, how much history, how much geography were already given there, the great foundation, on which all were laid, being religion. He would recall to the Government a proposition which he made a few nights since, with respect to the propriety of the Government making up their minds at once as to what amount of encouragement they would give to amateur Members introducing Bills of their own upon any particular subject. By their so doing, a great portion of the time of the House would be saved, and he felt assured that no hon. Member ought to feel himself aggrieved by the Government saying, when any measure of a private Member was proposed to be introduced, "this is a good Bill, we will take it up;" or "it is a bad one, and neither you nor we will waste the time of the House by uselessly discussing it." Under the actual circumstances of the House, he did not intend to oppose, by a division, the introduction of the Bill;

but earnestly trusted that the ultimate assent of the House would not be given to any measure which gave to its recipients a system of education only which terminated with this world, leaving them to obtain from their father or mother, whom the hon. Member himself admitted to be extremely ignorant, and whose ignorance was indeed the ground of his Motion, the only means of enlightening them upon subjects upon which their ultimate and eternal happiness depended.

MR. M. MILNES said, that were he to set about replying to the observations of the hon. Baronet who had last addressed the House, it might have the effect of provoking a general discussion, which, in the present stage of the measure, was not at all necessary. He took it, that on the occasion of the second reading of the Bill full and ample opportunity would be afforded hon. Members of expressing their opinions in reference to the important question—the establishing more universally than heretofore a system of secular education. He felt certain the hon. Gentleman who brought forward the measure, as well as many others who would support it, could not but feel aggrieved at the imputation that they disregarded religious education in the measure then submitted to the House. However, they did consider that religious and secular education rested upon different grounds; that one was capable of enlargement, and susceptible of encouragement, whilst the other was not; and that the State might interfere with one when it could not with the other. He wished to place before hon. Members the case of the Lancashire School Society movement, which, he believed, originated with a few private gentlemen, but which nevertheless progressed until it found an atmosphere wherein it expanded and flourished. Looking at the beneficial results that were likely—he might say certain—to result from the Bill, and also considering the able and temperate manner in which it had been introduced to the House, he should declare that he would be prepared to give the measure his most full and cordial support.

MR. HUME was most anxious that no difference of opinion should then be raised on the Bill, which had been so ably introduced by his hon. Friend the Member for Oldham. However, he could not refrain from declaring his conviction that his hon. Friend the Member for the University of Oxford had largely mis-stated, probably not understanding, the nature of his hon.

Friend's proposition. The hon. Member for the University of Oxford assumed that secular education was the sole object of the Bill; whilst he (Mr. Hume), on the contrary, understood his hon. Friend to embrace in his plan religious as well as secular education. The hon. Member for the University of Oxford said, there existed a difference in the minds of many as to what education was. He did not know what the hon. Member's definition of education might be; but he (Mr. Hume) considered that mental training which fitted a man to be a good and useful member of society, no less fitted him for being a good and religious member. The hon. Member for the University of Oxford also alluded to State religion and State education, though his hon. Friend, in introducing the measure, gave no ground whatever for any such supposition, but merely wished that Parliament should make it compulsory on property to supply the educational deficiency that at present existed. He pointed out the lamentable results of vice and crime that arose from ignorance, and suggested that Parliament should adopt the best means of remedying such evils, which were deplored by every man in the community who valued life and property, or the well-being of society. Let them remove the ignorance that at present prevailed, and substitute information in its stead; and they might rest assured they would soon have good and moral citizens. If ever there was a time when the question of education might be brought forward with advantage, that time was the present. From end to end of the country there was a strong desire that ignorance should be abolished, and that could only be effected by the instrumentality of education. Allusion had been made in the course of the debate to the Lancashire Association. He hoped every Gentleman who then heard him had read the proceedings of that society. Let them go further north, let them look at Scotland, where a very general and universal desire existed that a similar principle should be applied as that in Lancashire in reference to secular education. Very few were more able to appreciate the results of such a Bill as the present than the Scotch. Within the last fifty years, the character of the Scotch had very much deteriorated, for want of attention formerly bestowed to educational training, which, unfortunately, the criminal statistics too fully proved. However, measures were lately adopted, under which they were

again aspiring to the position previously enjoyed by them; and therefore he hailed the present moment as one most propitious to the success of the object of the measure introduced to the notice of the House that evening. He sincerely thanked his hon. Friend who introduced the measure for the able yet mild and temperate manner in which he had done so. He thanked him, because in every point of view in which it could be considered, social, political, or religious, it was certain to act well. Therefore on that ground he likewise approved of the course taken by the noble Lord at the head of Her Majesty's Government, whose statement that night was what he expected from one who had paid so much attention to these matters. No person could deny the necessity of education; and therefore he hoped there would be a general concurrence on the part of the House, as well as of the country in general, so that they might attain the object which they, in common with the masses, desired—the enlightenment and education of the great majority of their countrymen.

MR. PLUMPTRE understood the hon. Member for Oldham to have stated that only one child in every thirteen in England received any education.

MR. W. J. FOX explained that his statement was, that one in thirteen of the population went to school.

MR. PLUMPTRE: At all events, it was evident that the hon. Member thought the means provided for the education of the rising generation were very defective, and that point he (Mr. Plumptre) was not inclined to dispute. The hon. Member stated that he did not intend to meddle with existing schools; his object was evidently prospective—to fill up the gaps observable on the face of the educational system by the erection of new schools. These new schools, as he understood, were to be open to persons of all religious denominations, but in them no religious instruction whatever was to be given. [Mr. W. J. Fox: No, no!] That, in fact, religion was to be systematically excluded. The religious instruction of the children was to be left to their parents, or such other persons as might think fit to interest themselves in the matter. Not only that, but the inhabitants of a district in which a school was established were to be taxed to the extent of  $4\frac{1}{2}d.$  or  $6d.$  in the pound for its support. If that were the hon. Member's plan, he must solemnly and religiously protest against it.



MR. B. OSBORNE agreed with the noble Lord at the head of Her Majesty's Government that they would best do their duty by the Bill on the present occasion by not entering generally into its details. In fact, the Bill was so misrepresented and so misunderstood, which, he doubted not, was the cause of the misrepresentation, that they were not in a position to discuss it. However, he could not sit still without paying his tribute of gratitude—humble as that tribute might be—to the hon. Member for Oldham, for the manner, the able and statesmanlike manner, in which he addressed himself to the question that evening. It had seldom been his lot to listen to a speech with such unmitigated satisfaction, or to one which would tell more powerfully throughout the country. It was necessary he should apologise to the hon. Member for the University of Oxford for having interjected an "Oh" whilst he was speaking; but the fact was that he was surprised to hear the hon. Baronet attempt to draw a contrast between Prussia and this country. It was because the people of Prussia were highly educated, without possessing a representative system, because, in short, taxation without representation prevailed in that country, that the recent political convulsions there naturally occurred. It was a pity that the hon. Baronet should have revived the old worn-out topic of the 10th of April, which the Secretary for the Home Department had worked so unmercifully on many occasions. The rebellion of the 10th of April could be paralleled by no other rebellion on record except that of Lord Grizzle's in *Tom Thumb*. The hon. Baronet had taunted him (Mr. Osborne) with the ignorance of his constituents, but he would remind him that in Middlesex education stood at the highest point as regarded England; and the hon. Baronet ought to accept it as a proof of the intelligence of the inhabitants of that county that they unanimously supported the Government on the 10th of April. The hon. Baronet said that there was a difference between education and instruction. True; and the hon. Member for Oldham drew the distinction. He (Mr. Osborne) had, he was going to say, the honour of being educated at a university; but he would not say so, for he was sorry he had ever been placed at one. There was no portion of his life on which he looked back with more regret than that which he had spent at Cambridge, for there he was instructed in all

the vices for which the place was notorious. He looked upon the universities as hindrances to education. As long as the university system continued, education would be in the hands of particular classes, who would not let it out of their clutches. The hon. Member for East Kent had appealed not only to the religious feelings but to the pockets of hon. Members opposite, by telling them that the owners of property would be called upon to pay from 4½d. to 6d. for the support of the schools which the hon. Member for Oldham wished to establish. That statement was not correct. The hon. Member for Oldham referred to a 4½d. rate as that which was calculated for the whole district of Lancashire, not the one which would be required to fill up the gaps in the existing system. The plan propounded by the hon. Member for Oldham was an assimilation to the best system of education in the world—the national system of Ireland; and on that ground it should receive his support. For his part, he suspected the philanthropy of those men who would deny the humbler classes education, unless they could make it the vehicle for disseminating their own religious notions.

MR. NAPIER was rather surprised to hear the hon. Member for Middlesex fasten on the University of Cambridge the bad habits which he appeared to have acquired. Although the hon. Member might have found opportunities for indulging in vicious pursuits, he might also, it was to be hoped, have found occasion for the development of virtuous habits. The hon. Member had adverted to the hon. Baronet the Member for the University of Oxford's observation as to the conduct of the population of Middlesex on the 10th of April; but perhaps the intelligence of that district might be judged of by the representative they turned out, and the one they put in. The House would have an opportunity, on the second reading of the Bill, of fully discussing the whole system of national education; and he trusted that the same spirit would be preserved which had marked its introduction. He concurred in some part of the hon. Mover's views, but differed from him at that point where he wished to separate secular from religious education. The proceedings of the Lancashire Association were of great importance. He had looked into its proceedings, and had derived much advantage from it, because, although there were many things with which he could not agree, still

he thought it best to do like the bee, and extract all the food there was to be found there. In Manchester a meeting was called a short time since, for the purpose of discussing this very question, and a proposition was submitted to it in the spirit of that brought forward by the hon. Member for Oldham, and yet, after full discussion, an amendment was carried of a very opposite character. He hoped sufficient time would be given for full discussion, and he thought it better that a Bill of this kind should be brought forward by a private Member than by the Government, as the latter might perchance invest with a party character a question which ought to be calmly and patiently considered on its own merits exclusively. In conclusion, he could not but express his satisfaction to see an endowment proposed and advocated by the advocates of the voluntary system.

MR. COCKBURN thought that this was a question which ought to be considered irrespective of personal matters, and therefore he regretted that the hon. and learned Gentleman who spoke last should have thought it necessary to allude to the choice of a representative made by the electors of Middlesex in the manner he had done. This he would say, that whoever the electors of Middlesex might have rejected, they had good reason to be satisfied with the integrity and intelligence of the hon. Member by whom they were represented. He protested against the proposed measure being considered, as the hon. Baronet the Member for the University of Oxford had misrepresented it, as simply a plan of education which had regard only to this world and to this life, and having no reference to a future state of existence. The hon. Member for Oldham appeared to be as deeply impressed as any one in or out of the House with the importance of a religious education. He fully concurred in the desirability of uniting as far as possible secular with religious education. But, looking at the vast number and infinite varieties into which religious opinion in the country was divided, it was perfectly impossible to combine secular and religious education, as a State measure, into one system of education. It could not be done. What would the hon. Baronet the Member for the University of Oxford adopt as a system of religious State education? Of course his plan would be that of having the religion of the State inculcated as a part of education. But that system would exclude all

that numerous body of persons who did not adopt the religion of the State as their religion. That would at once prevent and preclude the possibility of having a measure of national education which should adopt the State religion as a portion of education. And if the religious views of the Dissenters were to be inculcated in the schools, those persons who belonged to the Established Church would not allow their children to be sent to schools of that kind; a great portion of the influential classes, and above all, the clergy of the country, would set their faces against such a system, and it could not be expected that the State would establish any such system as that. What then remained to be done? They could not by possibility have a system of State education into which religion could enter, and if they wished to have a system of State education at all, they must adopt secular education as the basis of it, and confine it simply to that. It was said that religious education was far more important than secular. He fully conceded that point; but if they could not be taught religion by the State, that was no reason why they should not be taught reading, writing, and arithmetic, which would enable them to promote their interests in this world at least. By establishing a system of State secular education, they would not interfere in the least with any of the establishments supported by private contributions, or prevent the continuance of those efforts which were at present made for the religious instruction of the rising generation. At present there was no system of religious instruction in schools provided by the State. The matter was left to private exertion, and was carried out by voluntary contributions. That system would continue in force should the scheme of the hon. Member for Oldham be adopted. It could not be denied that education was at a lower point in England than in Prussia and other countries, and that was a circumstance which no Englishman could contemplate with satisfaction.

MR. W. MILES thought that the allusion which the hon. and learned Member for the University of Dublin had made to the hon. Member for Middlesex, had been provoked by the latter hon. Member saying that all persons educated at universities contracted vices. [Mr. OSBORNE: I didn't; I only said that I had.] He begged to bestow his humble tribute of praise on the hon. Member for Oldham for the temper

and application which he had devoted to the subject. He recollected, however, that in 1839, a course had been pointed out to Parliament for separating secular from religious education. But what did the country say to that? Was there not a cry against it from one end of England to the other? Did not both the members of the Church of England and the Dissenters come before that House with petitions against the plan? Did not a noble Lord, who was now in the other House of Parliament, bring forward a Motion in the House of Commons on the subject, which, though in a minority, he nearly carried; and did not the Archbishop of Canterbury, in the other House, bring forward a Motion condemnatory of the principle of that kind of education? He could hardly think that the country would now look with more favour on a system of education which conveyed secular knowledge alone. But it was not his intention to enter into the subject generally. He should be happy to examine the Bill, and to judge of it by its merits. He should look at the system now promulgated in this country, and consider it in combination with the Bill of the hon. Member. He was convinced that nothing was more likely to do good than a discussion on the system of education which ought to be pursued. He should like to have the question settled by Act of Parliament, and the hon. Member for Oldham might depend on it that he should be quite willing to enter upon the subject with temper and forbearance.

MR. LAW was glad that, as leave was to be given to introduce the Bill, an opportunity would be afforded at the different stages to inquire how far a body not immediately responsible to Parliament should interfere with the education of the Church. He did not collect from what the hon. and learned Member for the University of Dublin said, that the hon. and learned Gentleman meant to convey any censure on the hon. Member for Middlesex, even to the extent to which the hon. Member for Middlesex censured himself; for he did not understand the hon. Member for Middlesex to say that the education at Cambridge was not good in itself, but to adduce himself as an instance that a good education might be thrown away. It was gratifying to find an hon. Member who confessed he had thrown away great advantages had had great advantages since, for he could not have enjoyed the confidence of the electors of Middlesex, unless he had

taken great pains with himself to become at a later age what he might have become at an earlier period.

MR. NEWDEGATE begged to inquire whether he was right in understanding that under the Bill an inspection was to take place with respect to the secular education of every school of every kind and denomination; and that on the report of the inspector that the education given to the children of a certain district by those schools was not sufficient, it would then be competent for the Government to establish schools on the principle proposed by the hon. Member for Oldham, and rate the inhabitants for the establishment and support thereof?

MR. W. J. FOX, in reply, said, that the hon. Member for North Warwickshire had, in part, misunderstood him. His plan was founded on a general view of the deficiency of education in different localities through England. The materials for ascertaining that deficiency, he apprehended, did already exist to a large extent in documents which the Privy Council had accumulated by means of its inspectors, so that it was not a difficult matter to ascertain in any locality to what degree it was necessary to supply the means of education. There would sometimes be cases such as had occurred in the parish of King's Sambre, Hampshire, in the school under the charge of the Rev. Mr. Dawes, who had so conducted his national school, that it was attended by children in and out of the parish, the children of labourers and of farmers alike, all of whom paid, the poor according to their poverty, the farmers according to their better circumstances; but, by his conduct of that school, he had brought those children to it, and especially by the judicious intermixture of secular and religious instruction, as appeared from the report by the inspector, who said the children were not only well instructed in secular knowledge, but well instructed in religion, which he attributed to their being better informed on general subjects. If there were a parish where the church, or any one sect, had so recommended itself as to be the religion of the entire population, they would be at perfect liberty to interweave religion as much as they pleased with the entire course of instruction. But in cases where the parents and guardians of children were of different sects, it was impossible so to interweave secular and religious instruction. There they must be content with the provision he proposed,

giving not half an hour a-day, as had been alleged, but stated times, continuous with secular education, and all through, for such religious education as the parents should desire. With reference to what had been called secular education, he did not believe that the mountains and the stars taught infidelity, or the waves and winds heresy. He should not press the second reading till after the Easter recess. His object was, that localities should make arrangements for themselves; and he should be satisfied to see as many varieties in those arrangements as there were counties in England. Opportunities would be so given of comparing one system with another. As to the question of expense, this country had borne many a heavy load—England sustained without murmuring the splendour of an ancient monarchy; she kept 100,000 men in arms; she maintained a fleet which preserved the dominion of the ocean; she had large and costly establishments of every description, and it could not be said that she was so far beggared as to be unable to teach her own poor and helpless children. But the objection of expense amounted to nothing, for it was not, in truth, expenditure, but the very best economy, and those who retrenched in everything else ought to be most liberal in that. To obtain an orderly, enlightened population, who would see the necessity of maintaining the institutions of the country, and of suppressing anarchy, was surely of all other objects the most desirable. He thanked the noble Lord at the head of the Government and the House generally for the kind attention with which they had listened to him, and for the fair and candid spirit in which they had received his proposal.

Leave given.

Bill ordered to be brought in by Mr. William Johnson Fox, Mr. Henry, and Mr. Osborne.

#### COUNTY COURTS EXTENSION.

MR. FITZROY rose to move for leave to bring in a Bill to extend the jurisdiction of the county courts to 50*l*. It was not his intention to trespass at any length on the attention of the House. There seemed to be no special reason why 20*l*. should have been fixed upon as the limit in affording the cheap justice which was intended to be given in establishing the county courts as they now existed. It was desirable, however, that in the first instance the sums recoverable should not be very large, in order that sufficient experience of

the working of these courts should be acquired before their jurisdiction should be extended to sums beyond 20*l*. But it was within the knowledge of every gentleman acquainted with the working of the system, that the result had been most satisfactory to all parties; and the verdict which the public, who must be the best judges, had decidedly given in favour of these courts, was shown by the fact that the number of suits tried in them within the last three years considerably exceeded 1,000,000*l*., and the proportion they bore to the suits at Westminster-hall was in the proportion of four to one. The objections and opposition to his Bill would be almost exclusively raised by a very influential body from whom so many petitions on another subject had been presented in an earlier part of the evening, and, who might find their profits diminished, if his proposition were adopted. Although it was not to be desired that the profits of a learned profession should be unduly diminished, he thought no one could affirm that the interests of these gentlemen ought to stand in the way of further legislation—especially if those interests depended upon charges so multifarious and enormous as practically to prevent the great majority of the community from vindicating legal rights. He could not believe that in a great commercial community like this, that protection, which had been extended to the creditor to the amount of 20*l*., and which had been found to work so beneficially, would be attempted to be withheld from the creditor for 50*l*. He would quote one or two cases to show the ruinous expenses attending an action for even small sums in the superior courts :—

“There is now before the court at Colchester a person who has petitioned for protection as insolvent. He was plaintiff in an action at the last spring assizes at Chelmsford. Unfortunately, his case stood at the bottom of the list; his attorney and witnesses, twelve in number, were kept there a whole week. The consequence was, that though he succeeded in obtaining a verdict for 32*l*., and the plaintiff's costs, which were charged to the defendant, amounted to 120*l*., his own attorney's bill for the trial was 182*l*., thereby leaving the successful plaintiff loser of 30*l*. This, with 20*l*. more, the expenses of an interpleader, arising upon execution, reduced him to insolvency. How much better for him to have abandoned 12*l*., of what a jury decided was his just claim, and sued for the remainder in the county court!”

Mr. Amos, when upon this subject, gave the following instances :—

“The author wrote to a friend, whom he knew to have been recently a successful defendant in an



action brought against him to recover 42*l.*, desiring particulars of his costs. The question in dispute was, whether the plaintiff had or had not sold to the defendant a certain quantity of a chemical preparation? The gentleman replied, that his own taxed costs (which the plaintiff paid) were 80*l.*, and his extra costs (which he, the successful defendant, paid) were 67*l.* The author's friend writes that he was afterwards told by the plaintiff (probably the parties to the suit were restored to amity by their common misfortune) that the law-suit cost him 300*l.*"

Here was the case of another action for 42*l.* :—

"The defendant paid 25*l.* into court, which had been previously tendered; and thus the sum in dispute was reduced to 17*l.* The plaintiff called eleven witnesses, and the defendant four. Nearly all, if not quite all, the witnesses would have been dispensed with had the parties to the suit been examinable; nor would either of these parties have hesitated for a moment to abide by the other's statement of the facts within his knowledge. The jury, after a noisy altercation for two hours, found that 40*l.* was due to the plaintiff, and that 25*l.* had been tendered. The costs were taxed the day before this page is written. The plaintiff proved on oath costs to the amount of 158*l.* 1*s.* 9*d.* After a hard struggle in the Master's office, these costs were taxed at 103*l.* 1*s.* 7*d.*; thus leaving the plaintiff to pay 55*l.* 0*s.* 2*d.* on the issue found for him."

He might be asked, "Why stop at 50*l.*—why not make the operation of the Bill unlimited?" He should himself be prepared to try all actions of this description in the county court; but it must be patent to every one that if there were to be a limit it must be arbitrary, and he had fixed it at 50*l.*, simply because he believed that by so doing he should obtain the support of some who did not think that an unlimited jurisdiction would be desirable. He asked, would any respectable solicitor advise his client to go into a superior court to recover 50*l.*? So strong was the feeling of the public in favour of these courts, that the number of cases was almost beyond belief in which the sums claimed had been reduced from 30*l.*, 40*l.*, and even 50*l.* to 20*l.*, in order to bring them under the county court jurisdiction. Some observations appeared on Monday in the leading journal of the day in reference to the alteration of the law in India, which were so pertinent and so applicable to the present case, that he could not help quoting them. The *Times* upon this subject said—

"There is not a single county court throughout the kingdom in which justice is administered in civil matters without the technical rules of special pleading, in which judgment is not also daily pronounced against that system. If these rules be unnecessary in actions for value under 20*l.*, why are they necessary in actions where 50*l.* is at

stake? It is a very great affliction to a country where the cost of obtaining justice is so great, or the chance of obtaining it so precarious, in consequence of the prevalence of a technical system, that the subject is debarred from maintaining his rights, and seeking redress from his wrongs. But in England no prudent man, if he can avoid it, will meddle with legal proceedings; he will submit to any extortion within his powers of bearing, rather than be dragged into Westminster Hall."

In reference to this subject last Session, the hon. and learned Gentleman the Attorney General said—

"The measure establishing the county courts had given great satisfaction to the public at large; but he deemed that it would not be safe, with the experience they had yet had, to extend the jurisdiction of the courts to 50*l.*, without giving an appeal from the decisions of the judges. If the jurisdiction were so far extended without an appeal, he believed these courts, instead of giving great satisfaction, would create a perfectly opposite feeling."—*Hansard*, cvii. 406.

He (Mr. Fitzroy) might mention to the hon. and learned Gentleman, that in the Bill which he now asked leave to introduce, there was a clause giving the power of appeal. The right hon. Gentleman the Secretary of State for the Home Department stated upon the same occasion—

"Although he admitted that the courts had fully answered public expectation, he still doubted whether they would work as satisfactorily to that class of suitors who had hitherto resorted to them, in order to obtain a speedy remedy, after their jurisdiction should have been enlarged."—*Hansard*, cvii. 407.

He thought the right hon. Baronet could scarcely be aware of the practical working of these courts if he thought that a "speedy remedy" was the principal bonus to the suitors who resorted to them. The principle of paying by instalments was an important element in the county court practice, from which defendants were wholly debarred in the superior courts, and he knew that many honest debtors allowed themselves to be proceeded against in the local courts, in order that the opportunity of payment in that mode might be afforded them. He should not further trespass upon the time of the House, but ask for leave to introduce the Bill.

The ATTORNEY GENERAL said, that as it seemed to be the desire of the House to accept the measure of the hon. Gentleman, he was not inclined to interpose any objection to the introduction of the Bill. But he felt it to be his duty, though he was aware that in so doing he exposed himself to some degree of unpopularity, to point out the

objections which he entertained to the introduction of the principle contained in the Bill. He could understand one who was adverse to the jurisdiction of the superior courts in matters of this kind bringing forward a proposition for removing all restriction as to the amount of debts to be recovered in these courts; but the hon. Gentleman did not profess anything of the kind. The cases which had been mentioned by the hon. Gentleman applied to sums of 30*l.* and 40*l.*; but suppose that his Bill were passed, and why might not cases of similar hardship be mentioned in reference to sums of 51*l.* and 52*l.*? The hon. Gentleman said that there was no reason why a limit of 20*l.* should be taken in the jurisdiction of the county courts. There was, however, a strong and pointed reason; 20*l.* was the amount laid down by the courts of law and the Legislature as the limit below which parties could not be arrested. Another reason was, that it had long been laid down as a rule in the courts that when the sum recovered by a man in an action was below 20*l.*, that they would not grant a new trial, although the judge who tried the case might be dissatisfied with the verdict, because the expenses would swallow up the whole of the proceeds. His hon. Friend had even agreed that the present county courts were an experiment. They had been between two and three years in practice, and they had given great satisfaction. But as regarded the effect on credit, or on the conduct of persons incautiously incurring debts, the experiment had not been sufficiently ascertained. Why not take upwards of 50*l.*, why not take 100*l.*, 500*l.*, 1,000*l.*, or 5,000*l.*, and see what effect could be produced? If they gave no appeal in the higher courts, it was impossible that the courts could work satisfactorily, as public opinion could not be satisfied respecting them. There could be no bar present to express an opinion on the proceedings, and no press to publish reports of the cases, therefore there would be no efficient check to satisfy the public mind. Then, again, were the parties to be examined in their own causes? If this was to be allowed, it would be seen that they would appear under the most excited feelings, and would hardly abstain from giving a colouring to their respective cases. In cases of arbitration, the arbitrator was authorised to examine the parties interested, but this was never done unless under very extraordinary circumstances. He thought this

would be a very dangerous experiment for large sums, although the system had acted effectively as regarded small sums. If they gave appeals above 20*l.*, they would altogether destroy the object of these courts. They were established that the proceedings might be summary, simple, and attended with as little expense as possible. If they gave an appeal, the result in all such cases would be the reverse of this. His hon. Friend said there should only be appeals in cases above 20*l.*; but in that case you make the bulk of the suitors in the court dissatisfied, for there was no reason why a man sued for 19*l.* 19*s.* should not have an appeal as well as he was sued for a little more than 20*l.* Every reversal order in a case of appeal, would shake the confidence of the public in these courts. If his hon. Friend gave an appeal only where a man could pay the costs, they would give it only to a rich suitor. He might be told that he was professionally interested, but he could safely stand there and declare that he had no interest whatever in the matter. He repeated that it was a most dangerous experiment, but he would not oppose the introduction of the Bill, as it appeared to be the wish of the House to see it, but he must protest against it.

SIR G. PECHELL thought the hon. and learned Attorney General had been very facetious, and had thumped the red box in an extraordinary manner; but he (Sir G. Pechell) had not been able to understand any of the reasons why he opposed the Bill. When, fifteen years ago, he (Sir G. Pechell) introduced his Bill for the extension of the jurisdiction of the Sheriffs' Courts to 50*l.*, the most determined of his opponents was John Jervis, the then Member for Chester, and one of the chief grounds of that Gentleman's opposition then was, that the measure would take the business out of the courts in Westminster Hall. The proposition met the approval of the present Lord Chancellor, and he (Sir G. Pechell) received the support of Mr. Baron Rolfe, who was then Solicitor General, and the Bill was carried through both Houses. He was quite unable to understand why the hon. and learned Attorney General should oppose this measure; the county courts had worked most satisfactorily; and if they wanted proof of the fact, it was fully afforded by the general demand for the extension of their jurisdiction to 50*l.*

MR. CLAY said, with reference to an

observation which had fallen from the hon. and learned Gentleman the Attorney General, that the only reason why the bar and the press should not be represented at the county courts at present was, that the cases were of so insignificant a character as not to pay for their attendance; but that might be remedied by enlarging the jurisdiction. It was said that they would destroy the county courts if they introduced the right of appeal. He (Mr. Clay) did not understand what possible objection there could be to such an appeal as at present lay from a decision at quarter-sessions. If he was told that these appeals would burden the superior courts with too great an amount of business; his answer was, that the amount of business of which this Bill would relieve the superior courts would more than compensate for any addition that would be imposed upon them in the way of appeals. But his belief was that the real reason for opposing the Bill was the fear of the superior courts losing business, rather than that it would overburden them with additional business in consequence of appeals.

MR. HENLEY regretted to find that the hon. and learned Attorney General had given his sanction to the introduction of the Bill. It would be only consuming another night in discussing its principle, if the Government was prepared to throw it out at a future stage. It was admitted on all hands that these courts had worked extremely well; and so sure as the sun was in the heavens, if they extended their jurisdiction they would destroy their utility. It was on that ground that he opposed the measure. He wished to know whether hon. Members who were disposed to do away with imprisonment for debt for all sums under 20*l.* were disposed to extend it to 50*l.*, or to all sums? If they did so, where were they to stop? He regretted, under these circumstances, that if the Government had a strong objection to the Bill, they had not at once thrown it out.

SIR G. GREY said, that the doubts entertained by his hon. and learned Friend the Attorney General referred not so much to the expediency as the practicability of the measure, and that was the reason he was not prepared at once to move its rejection. He (Sir G. Grey) stated last year the grounds upon which he opposed the proposition for the extension of the jurisdiction of the county courts from 20*l.* to 50*l.* He still entertained the opinions

he then expressed. At the same time it was impossible to deny that there was a strong feeling in the country in favour of the extension of the jurisdiction, and he thought the House would discuss the measure with much greater advantage when they had the Bill before them, not, as last year, containing the mere substitution of 50*l.* for 20*l.* as the limit of the jurisdiction, but accompanied by a right of appeal, the nature of which, however, the hon. Member had not yet stated, and with the admission of the bar, at least so he understood the hon. Member. He (Sir G. Grey) believed that the popular favour in which the county courts were held had arisen from the fact that justice was administered in them under circumstances which were only compatible with the existence of a small stake. With reference to the right of appeal which the hon. Member now proposed to allow in regard to sums between 20*l.* and 50*l.*, he (Sir G. Grey) owned he was curious to see how that was provided for in the Bill; whether the appeal would involve a new trial in the court where the former trial took place, or whether it would be transferred to the courts at Westminster; for if so the whole value of the county courts would cease; for he feared the result would be, that however the cases were decided, the losing parties would always appeal.

LORD D. STUART thought it creditable to the Government that they had given permission to the hon. Member for Lewes to introduce the measure. They had withdrawn their objections to its consideration, and it was possible, when the Bill came to be farther discussed, that the Government might give way still farther, and allow it to be made law. The country desired that the jurisdiction of the county courts should be extended—whether it was right or not was another question—and he thought the Government were perfectly right in taking the course which they now proposed to adopt. The Secretary of State for the Home Department and the hon. and learned Attorney General had asserted that this was a most dangerous measure. Now, he held in his hand a return which showed that very few causes ranging between 20*l.* and 50*l.* were tried. It was the return of causes tried in 1830 by the Court of Queen's Bench, in its sittings in London and Middlesex. In the latter there were 83 causes tried, 34 of which were under 20*l.*, while between 20*l.* and 50*l.* there were only 9. In London, 103 causes were

tried, 36 of which did not exceed 20*l.*, and between that sum and 50*l.* there were only 8. He thought the county courts had worked well, but he did not believe that they gave entire satisfaction. The administration of justice might be made much cheaper than it was at present. Some of the officers of the courts, who had a great deal to do, were very much underpaid, while others, who had but very little to do, received a very disproportionate remuneration. The whole subject of the county courts demanded great attention, and the Government would do well to take it into their consideration. He should wish that such a Bill as the one under discussion had been brought in by the Government rather than by an individual Member. The Government ought to take up the question. It might be necessary to send the Bill to a Select Committee upstairs; but if it should be thrown out, he should advise the hon. Member for Lewes to move for a Committee to inquire into the whole subject, as one deserving the attention of the House. He felt sure that great advantage would arise to the country from its being thoroughly inquired into.

MR. H. BERKELEY could not feel satisfied that this proposed extension of the jurisdiction of these courts would not have the effect of setting aside the present courts altogether. He confessed he entertained great fears on the subject. He was very doubtful whether it was possible to admit the bar to practice in these courts without altering the nature of the judges who presided in them. He trusted that Her Majesty's Government would not yield an inch from the position taken up by the hon. and learned Attorney General.

MR. MULLINGS, as a retired practical lawyer, would give his cordial support in favour of bringing in the Bill. He did not, however, agree with the hon. Mover, that all the great expenses incidental to the superior courts went into the pockets of the attorneys. The pleadings alone were enormous to bring the case to an issue. The parties went down to the assizes with all their witnesses, having previously given enormous fees to their counsel. They were then often obliged to wait for several days before the cause could be tried. For all these proceedings the attorney did not get one farthing beyond the money he expended; and, at last, he perhaps had the pleasure of recovering 50*l.*, after having incurred an expenditure of 60*l.* or 70*l.*, while the unhappy plaintiff

had probably to pay 40*l.* or 50*l.* by the way of extra costs. He thought that these county courts had conferred the greatest benefit upon the country, and that benefit would be considerably increased by extending the jurisdiction of them to claims of 50*l.* He hoped that the proposed measure would also go so far as to bring in equitable matters, which, in the ordinary course of things, did not come within the cognisance of a court of law. He did not think that there would be any difficulty in allowing appeals, provided the party so appealing was required to give security for costs.

MR. J. WILLIAMS said, it was not an uncommon thing in the trade to which he belonged to sue persons owing 30*l.* or 35*l.* in the county courts, the claimants thus consenting to abandon the excess over 20*l.*, in order to render it recoverable in that way. But the effect of this was to give encouragement to fraudulent debtors to refuse payment until they were compelled by these courts, being thus assured of being able to get rid of their liabilities in an easy way. Great injustice would be done to all such claimants if the jurisdiction of these courts was not increased.

Leave given.

Bill ordered to be brought in by Mr. Fitzroy, Lord Dudley Stuart, and Mr. Mullings.

#### BRICKS AND TIMBER DRAWBACK.

MR. HUME hoped that the same unanimity which had prevailed in the House with regard to the last two measures would be extended to his Motion. Those who had been in Parliament some time knew that when there was a surplus in the Exchequer, a great number of appeals were made to the Government for relief from pressure. He had stated on the first night of the Session that he conceived some relief for the labourer was more called for than any other, and urged upon the House the necessity of adopting some measures for the amelioration of the condition of the labouring classes, and more particularly as regarded the improvement of their habitations. He had alluded to the strong desire which had been manifested by the higher classes during the last two or three years to increase the comforts and promote the health of the labouring classes. With this view also, they had established boards of health, and had directed the removal of nuisances, and had passed Acts of Parliament to promote to a very great extent the carrying out similar objects. Among other



improvements they had effected, was the putting a stop to the making cellars in Liverpool, and other places, human habitations. A great number of reports from all parts of the country had been printed as to the manner in which the labouring classes were lodged. He would not trouble the House by reading extracts from these documents, for he hoped hon. Members had made themselves acquainted with these papers. Up to very lately the condition of the labouring classes had been shamefully neglected, and, above all, by the Government. It appeared from statements received from various quarters, that the expense of building cottages for the labouring classes was so much increased by the duties on timber and bricks as to operate in many instances as a positive prohibition to their erection. These duties then operated directly as a positive check on the social comfort and happiness of the labouring classes. He had recently visited several cottages, and was much struck with one in which were a man and his wife and eleven children, and they were huddled together without regard to decency or comfort. He was convinced that the great impediment to the erection of comfortable cottages for the poor was the high duties levied on timber and bricks. The consequence had been, that the proprietors or builders of these cottages had been prevented from using foreign timber. It was almost impossible to estimate the effect produced by the brick duty upon the erection of these cottages; but he had been informed that 10 per cent on the cost was about the average increase of cost. There was no one who would not regret the uncomfortable state of the homes of those classes upon which so much of the welfare and prosperity of the country depended. One effect of it might be traced in the consumption of spirituous liquors, and in the resort of those classes to public-houses, which offered those comforts and relaxations of which their dwellings were destitute. Discomfort alienated a man from his home, and it was probable there would not be such a consumption of ardent spirits by the population if the dwellings of the poor were better adapted for health and comfort. It was for reasons such as these that he had put in a word to the Government at the early part of the Session, as to whether some relief could not be given in regard to those taxes which operated counter to the general wishes and intentions of the country for the improvement of the abodes of

the poor. Instead of making the poor man's abode comfortable, where he might spend his leisure hours, he was permitted to be drawn to the public-house, where he contracted habits of inebriety. It was impossible to account for the state of the country with regard to the consumption of spirituous liquors, when from 30,000,000 to 36,000,000 of gallons, diluted as it was, of ardent spirits, were consumed by the population of this country, upon any other ground than that of the working people having no comforts at home, no enjoyments at their fire-side, the most happy and comfortable situation in which they could be. They were expending a large sum of money; but of what value was it if they found that, instead of rendering the poor man comfortable, they put it out of the power of proprietors to build cottages for them, by not remitting these taxes? How few of the working classes, who received 8s. or 12s. a week, could afford to pay 50s. or 3*l.* for a single cottage. A cottage could not be built for less than 50*l.* or 60*l.* Labour was cheap, but the taxes on building materials pressed so very hard that he would be glad to have the duty on foreign timber removed; and in mentioning it he saw that notice was given by an hon. Friend behind him to bring the question of the remission of the duty on timber forward, for in his opinion timber and bricks ought to sail in the same boat. He was met by all sides of the House with the question of how he could guard against fraud, and what security could be given that a cottage, let at a rent of 3*l.* in order to get a drawback, may not be let to the next tenant at a rent of 5*l.* or 6*l.*? He confessed there were difficulties in the way, and the only way to get rid of these difficulties was by taking off the duty on bricks altogether. He, therefore, wished the House to express an opinion on that subject. The following was the amount of net receipts for the last ten years :—

Years.	England.	Scotland.	Ireland.
1840 ...	£504,881 ...	£18,498 ...	Nil
1841 ...	431,256 ...	11,762 ...	„
1842 ...	383,700 ...	9,350 ...	„
1843 ...	848,177 ...	7,104 ...	„
1844 ...	429,183 ...	10,792 ...	„
1845 ...	545,202 ...	16,665 ...	„
1846 ...	619,752 ...	18,670 ...	„
1847 ...	661,815 ...	19,514 ...	„
1848 ...	445,672 ...	10,178 ...	„
1849 ...	444,552 ...	11,900 ...	„
	£4,813,190	£134,428	Nil

The average amount of the brick duty

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during that period, according to the Excise return, was, for England, 481,319*l.* a year, and for Scotland 13,442*l.*, while the expense of collecting it was 20 per cent. Take that 20 per cent off the price, and they conferred at once a boon upon the poor man. When they looked at houses for agricultural purposes, they would find this tax stopped every improvement that would otherwise take place. By removing the duty on bricks, the benefit would not be confined to cottages; they could scarcely tell the advantages that would accrue from it. The benefit would be such as that arising from the remission of the duty on glass. They were spending money for the comforts of the poor; but while those taxes remained, they were stopping with one hand what they bestowed with the other. He was sorry the noble Lord the Member for Bath was unable to bring forward that evening the Act for the repeal of the window tax, for the tax on windows and bricks interfered with the progress of those important improvements that tended so much to the health of the country. It was scarcely possible not to pity the poor man who came to a damp cottage, and yet the homes of the poor were neglected from day to day and month to month; and when the small quantity of fuel which they could afford in the winter months was considered, it was astonishing how they sustained themselves. Taking into account, also, the smallness of their wages—for Parliament could not interfere with wages, nothing could regulate that but supply and demand—it was a want of humanity in the higher classes that these taxes should have been allowed to remain so long. He confessed that great relief was conferred by the measure of 1842, which remitted many of the taxes upon industry. The removal of the tax upon bricks would be an important addition to that relief, and would add to the comforts which all should be desirous to confer upon the working classes. He hoped the House would express its opinion that this tax should be repealed, for the time was coming when the right hon. Gentleman the Chancellor of the Exchequer should make up his mind how to bestow the surplus. That was one of the modes. But he would go further, and say that if there were no surplus the Government ought to reduce the expenditure in order to relieve the country from those taxes which were injurious to the health, and in every way pressed upon the labouring classes.

Motion made, and Question proposed—

"That this House, taking into consideration the condition of the cottages of the labourers of this Kingdom, and the want of adequate accommodation for their families, is of opinion that a Drawback should in future be allowed on the Bricks and Timber employed in the construction of cottages, as a means of lessening the expense of their erection."

MR. LABOUCHERE said, that his hon. Friend had very frankly stated what his object was in bringing this question before the House. Had he not so stated that object, it would have been difficult to collect, from the terms of the Motion itself, what his intention really was. His hon. Friend said he wished to obtain the expression of an opinion from the House in favour of a repeal of the duty on bricks, and therefore he (Mr. Labouchere) would address himself to the speech of his hon. Friend, rather than the exact terms of his Motion. The House would remember that but a short interval would elapse before his right hon. Friend the Chancellor of the Exchequer must state the views of the Government relative to the taxation of the country, and what questions of taxation they were prepared to entertain; and he thought they would agree with him that it would not be expedient, during that interval, to discuss any specific proposals with respect to particular taxes. On that ground alone he should be prepared to resist the Motion before the House; but even if his hon. Friend's proposal was thought expedient—if it should be the opinion of the House that the best use of the surplus would be to devote it to the repeal of the duty on bricks, he should still object to the expression of that opinion in the terms proposed by his hon. Friend. His hon. Friend, seeing the difficulties in the way of placing his proposed limit of 4*l.* per annum, which would obviously give rise to fraud—for how could it be certain that a man would not add a story to his cottage and make it worth 10*l.*?—had withdrawn those words; but the test which remained was no better. Who was to define what was the cottage of a poor man, as distinguished from a house? Many would be built under the protection of his hon. Friend's proposition, which would have little claim to the proposed exemption. He could not conceive a more dangerous test could be admitted. Moreover, if the House adopted the principle of drawbacks, they would open the door to fraud. How, when bricks were taken out for building a cottage, could the certainty be obtained that they were not applied to

some other purpose? It had been of late years the policy to discourage the principle of drawbacks, but if it were applied at all, there were other classes who would prefer their claims. The gentlemen connected with the shipping interest would have a very strong claim to a drawback on the duty on timber used for the building of ships. Again, with respect to the timber employed in mines, there was a notice on the paper for a drawback upon that article when so used. His only object in mentioning these things was to point out what a large principle the House would admit if they affirmed a proposal of this kind. He must also say that he doubted the policy of encouraging the building of a very low class of houses. The House had already discussed that question on a Motion by the hon. Member for Stroud, and the general expression of opinion was, that while it was for the interests of the poor to improve their dwellings as much as possible, it was not with reference to their interests advisable to encourage the erection of a very low and inferior class of habitation. He contended, however, that even if the House should think that it was desirable to express that these duties ought to be remitted, the mode proposed by his hon. Friend was not the way they should do so. He therefore addressed himself to what his hon. Friend avowed to be his object—the repeal of the duties on bricks and timber, and he should act inconsistently with his official position if he expressed any opinion for or against the remission of those duties. Until the financial statement was made, the Government would reserve their opinion, and say nothing which could lead the public to suppose that they were in favour or against the remission or continuance of any particular tax. He hoped, therefore, the House would excuse him from arguing the expediency of repealing or keeping up this or any other tax until that time. On these grounds he should object to the House coming to any resolution upon the general question of remitting the duties upon timber and bricks before his right hon. Friend the Chancellor of the Exchequer had made his financial statement; whilst, with regard to this particular proposal, he held it to be quite inexpedient upon its own merits.

MR. DRUMMOND admired the wisdom of any Minister of the Crown who abstained from expressing an opinion upon a question like the present before the financial statement of the Government had been made:

but the conduct which it might be proper for a Minister to pursue under such circumstances might by no means be wise in an independent Member of Parliament; for he well knew that as soon as the financial statement was made, Ministers could say “the case is now made up, and we cannot reopen the question.” It was on this ground he ventured to offer some observations upon the tax on bricks. Notwithstanding certain speeches which had been made elsewhere, he did not believe that a majority of that House had any intention of doing injustice to the labouring classes. At the same time he was sure injustice was done to the labouring classes owing to the House not being aware of the way in which this tax operated. The hon. Gentleman opposite informed the House a few nights ago, that he would make his Motion, for repealing the duties upon timber and bricks, a national question. He (Mr. Drummond) confessed he had never heard a great national question, which this was to be, built upon so narrow a foundation. For his own part, whilst he advocated not merely a remission or drawback, but a total relief to the manufacture of bricks from the interference of the Excise, he admitted that the relief would only be partial, and that it would be confined to certain parts of the country. Where stone was plentiful, the tax on brick was not severely felt; but where stone was scarce, or difficult to be obtained, there was a natural anxiety among those who were building cottages for the occupation of the poor that bricks should be obtained for that purpose as low as possible. Many hon. Gentlemen had no idea how the tax on bricks worked in other ways. Gentlemen in the country were anxious to build cottages for the poor. They could not erect them for less than 100*l.* each. But if a tradesman could get hold of a piece of land he built cottages very little larger than those which cost the country gentleman 100*l.* each, which he let for 10*l.* a year, and the occupier made his rent by letting off each room to a whole family. The consequence was, that whilst one party was endeavouring to provide one cottage for one family, the other was perpetuating the evils of overcrowding. The abolition of the brick tax would enable proprietors to remedy this evil to some extent; and there was another way, too, in which it would afford immense relief. It was his certain conviction that a great change in the occupation of land must take place. It was impossible, he knew, that farmers

could continue to occupy so much land as they did now. They would be obliged to give up one half, and employ all their capital in cultivating the remaining half. There must, therefore, be a great increase in the number of farm buildings. In those parts of the country where there were no building materials, naturally the expense of bricks was far greater than the Government seemed to suppose. The tax, it was said, increased the cost of bricks one-fourth, but the real and practical effect of it was to increase the price two-thirds. The benefit of a remission might be said to be small. Certainly in many parts of the country it would be as nothing; but there were other districts where it would be very great; and he was happy to find that those who approved of a remission were not met with sneers about "ulterior measures," and that in voting for a repeal of the duty on bricks they were not taken to be voting for overturning the Government. The fact was, they were voting for that which they believed would essentially promote the interests of the poor; and there they left the matter to stand upon its own merits. He should oppose the Motion of the noble Lord the Member for Bath for a repeal of the window tax, upon the ground, that before you could have windows you must have a house. On the same principle he should oppose the remission of every tax except those which pressed directly upon the poorest classes; but he would not have it thrown in his teeth that, in so doing, he wanted either to embarrass or to get rid of the Government; for he held, as he had said over and over again, that if they wanted money, they ought to raise it by taxing property.

MR. PETO could not help assuring the House that it was perfectly useless to attempt to improve the condition of the poorer classes by education, unless at the same time attention was given to the means of improving their habitations. In Norfolk and Suffolk the state of the houses occupied by the agricultural labourers was, really and truly, one great cause of the evils under which they suffered; for he could undertake to prove the existence of cases of whole families, comprising in some instances eighteen or twenty individuals, living in no more than two rooms. Under such circumstances classification of the sexes was impossible; and as a magistrate he could bear testimony to the evils of indiscriminate admixture. A repeal of the duty on bricks would, to a certain ex-

tent, remove one of these evils by encouraging the erection of cottages; and he would press upon the consideration of the House the duty of thus placing the working classes in a position where their morals and comfort could be promoted. The labours of the clergy, and other ministers of religion, however zealous, could not be productive of any great benefit so long as their flocks were in a position, by the nature of their dwellings, unfavourable to comfort and morality. He therefore, entertained a strong conviction that it was the duty of the House to alleviate the condition of the poor in respect of their dwellings by all practical means.

LORD C. HAMILTON approved of the views of the hon. Member for Montrose, but regretted that he should have taken an opportunity of introducing the subject, hardly calculated to do justice to the importance of the cause he had undertaken. He regretted that the hon. Gentleman should have adopted so limited and partial a view, because the question now before the House was not the whole that the working classes had a right to expect during the present Session. No question bore so strongly upon the moral and social well-being of the industrious classes as those connected with the materials for erecting their dwellings. For this reason he again regretted that the hon. Gentleman should have confined his attention to that which did not meet the case, whilst the evasions which might be the result, as pointed out by the right hon. Gentleman the President of the Board of Trade showed how dangerous it was to deal with such a question partially. He hoped, then, that the hon. Member would not think that those who opposed the present Motion would not vote with him in the ulterior measures which he might expect to carry.

MR. MITCHELL concurred with the view taken by the noble Lord the Member for Tyrone, because justice could not be done by the Motion. Still if it were pressed to a division, he should support it. He had risen, however, principally in consequence of some remarks from the right hon. Gentleman the President of the Board of Trade from which he must dissent. The right hon. Gentleman considered it the duty of Members not to bring forward any question affecting taxation until after the Chancellor of the Exchequer had made his financial statement. This was expected to be on the 15th March. But suppose the right hon. Gentleman the Chancellor of the



Exchequer was unable to bring it forward then from ill health, it must be deferred till after Easter, and, in the meantime, every Member having a Motion affecting a remission of taxation, must withdraw it. If the budget was not brought forward till the end of April or beginning of May, the Government would immediately take every night in the week except one, and on that night there was always a crowd of subjects from independent Members, so that it would be almost impossible to get a Motion on. The practical result was that the Government had entirely their own way upon the subject. When the right hon. Baronet the Member for Tamworth had a surplus, he fixed the items of taxation which should be removed or lessened, and his opinions were law. With regard to the Motion itself he did not apprehend any practical difficulty would be found in its operation. At various times and for various reasons there had been drawbacks upon timber; and, at the present moment, there was a drawback allowed upon all timber used in the construction of churches. For many years there had also been a drawback upon timber used in mines and collieries. He was not aware that the system of drawbacks in those cases gave rise to any fraud. He should give his hearty assent to the Motion.

MR. ROBERT PALMER agreed with the noble Member for Tyrone, that it would not be prudent at present to press this Motion to a division, and, looking at the state of the House, he did not think that any vote at present given would indicate the general sense of that branch of the Legislature. Not long since the hon. Member for Montrose had asked him if the present proposition would be a good agricultural Motion, and he admitted that it might be; and as the hon. Member inquired if he thought that Members on that (the Opposition) side of the House would support such a Motion, he replied that they might; and as the hon. Member for Montrose was now about to build some cottages himself, he thought such a Motion would be paving the way to make it a good speculation. As to the value of the cottages, the bricks of which he would exempt from duty, he did not see how that could be satisfactorily ascertained; and, further, he wished to know what was the definition of a cottage—how many rooms must it contain? With respect to drawbacks, the principle was not new, and he thought that the whole matter

might, at a future time, be brought forward in a more general way.

MR. HEYWORTH supported the Motion, and hoped the time would speedily arrive when duties would be taken off all articles which entered into the consumption and occupation of the people. He contended that the removal of the brick duty would conduce to employment, and the expansion of trade and commerce.

MR. HUME replied: He said, he had obtained his wish—that of ascertaining the feeling of the House upon this most important question. The House had expressed itself decidedly in favour of the entire repeal of the brick duty, and he should hereafter move its total repeal, in lieu of the present half measure, and expected that he should then be successful in conferring a still more general benefit on all classes of the people.

Motion, by leave, withdrawn.

#### EXTRAMURAL INTERMENTS:

MR. LACY moved for leave to bring in a Bill for promoting extramural interments. As this title did not disclose the nature of his proposal, he had thought it right to communicate with the right hon. the President of the Board of Trade upon the subject, and would now explain to the House that what was to be proposed in this Bill was, that, under certain limitations, railway companies should be allowed to establish cemeteries; that having called their shareholders together, and got their sanction to it as a commercial speculation, they should be at liberty to buy waste land at a distance from London; and, if the Railway Commissioners, after hearing parties likely to be affected by it, gave leave, that they should open cemeteries there, not expending more than a certain sum upon the project. He could not see how it would be possible to take all the inhabitants of this metropolis to one national cemetery down the river; and if each of the London railway companies saw it to be a good speculation, it would be convenient to all parties that there should be five or six cemeteries. The railway companies would have the advantage of the remuneration from the conveyance of persons to the funerals. He hoped the House would not be alarmed at the violation of the abstract principle, that such companies should keep to their own business, but would allow the Bill to be brought in and considered.

Motion made, and Question proposed—



"That leave be given to bring in a Bill for promoting Extramural Interments."

SIR G. GREY said, he did not very clearly see the principle of the proposed measure of the hon. Member. It appeared, however, as far as he could gather the purport of it, that railway companies were, under certain circumstances, to become also cemetery companies. As, however, the report of the Board of Health Commissioners had only just been printed, and was scarcely yet in the hands of hon. Members, he thought the hon. Gentleman would hardly venture to legislate on a question of so much difficulty and importance as that of extramural interments before the report in question should have been some time before them. The hon. Member would have the opportunity, at a future period, of submitting his views to the House on this question; but he (Sir G. Grey) thought they were not yet in a position to adopt any suggestion on the subject without first having had time to consider the recommendations of the Board of Health respecting it.

LORD ASHLEY would remind the House that Parliament last year devolved upon the Board of Health the duty of preparing a scheme in relation to this subject. That scheme had now been prepared, and on the next day, or Thursday, a sufficient number of copies would be ready for Members. It was the result of much and anxious inquiry, and surely it would be very undesirable to proceed with any Bill upon the subject before Members had had an opportunity of considering that scheme.

MR. LACY merely wished to bring in this Bill, in order that it might be seen and considered side by side with the report of the Board of Health. He believed that the House would find, upon consideration, that without such a measure as he proposed, they would never be able to carry out any compulsory Act for preventing interments in cities and towns.

MR. WYLD said, the hon. Gentleman proposed by this Bill to make available railway communication, by which means cemeteries might be established ten or fifteen miles from London; and he was surprised that the right hon. Baronet the Secretary of State should oppose the Bill. The report of the Board of Health could not interfere with it. In that report, they proposed to have a large public cemetery on the banks of the Thames, which was a revival of the project of Mr. Chadwick.

MR. LABOUCHERE said, it was always an ungracious task to oppose any hon. Member laying his plans before the House, particularly when that hon. Gentleman had devoted great trouble to it. He was aware that the hon. Gentleman had taken great trouble with this Bill, and he had done him the honour to inform him of the contents of it; but what he had informed him certainly led him (Mr. Labouchere) to think that the Bill ought not to be introduced. He believed that the House had laid down a useful rule, that where there was no chance of carrying a Bill, it was better to refuse to allow it to be brought in than to allow it to go to the second reading.

MR. AGLIONBY had listened with some anxiety to know why the Bill should not be allowed to go to the second reading. If he understood the right hon. Gentleman, there was no provision for the compulsory taking of land; it was merely permissive. He did not see any use in waiting for the report of the Board of Health, as they knew perfectly well what the report said.

MR. M. J. O'CONNELL suggested that a private Bill should be brought in for each railway, when the House could see what property was required to be taken. Another point to be considered was, that the Sanitary Commissioners had a plan in preparation which would shortly be laid before the House. Under these circumstances, he should recommend the withdrawal of the Motion.

Motion, by leave, withdrawn.

#### BOARD OF TRADE.

MR. MOFFATT brought forward the Motion of which he had given notice. He said, in making this Motion, he had no intention to cast any slur upon the Board of Trade, but some alarm was felt in certain quarters in consequence of new and very extraordinary powers having been assumed by the Board of Trade with respect to the mercantile marine, and a desire was therefore felt to know who it was who really constituted the Board of Trade, and what were the functions of the board.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Return showing the names of the Members of Her Majesty's Privy Council constituting the Committee appointed for the consideration of matters relating to Trade and Foreign Plantations; the functions of the said Committee; the number of Members of said Committee that con-

stitute a quorum for the despatch of business ; the number of times the Committee met in the twelve months ending the 31st day of December, 1849 ; the number of members of said Committee that attended each meeting."

MR. LABOUCHERE said, that if he objected to the return now moved for, it was not because he had the least desire to refuse information respecting the constitution and functions of the Board of Trade, but because there were no Parliamentary grounds made out for the production of this return, and because, if agreed to, it might form an inconvenient precedent. The functions of the Board of Trade had been very fully described by Mr. J. Lefevre in his evidence before the Miscellaneous Estimates Committee, and the information sought by the hon. Gentleman the Member for Dartmouth was, therefore, rather to be sought for there than furnished to the House in the shape of a return. At the same time, he would admit to the hon. Member that it was not the practice of the Board of Trade to transact business ordinarily as a board, following in this respect the practice of the Board of Control and the Poor Law Board. A great deal was done on the single responsibility of the President, and for ordinary purposes it consisted of the President and Vice-President of the Board; but on great and important questions the advice and assistance of the leading Ministers and other Members of the Government were called in.

MR. MOFFATT thought that the explanation just given by the right hon. Gentleman precluded the necessity for the return being made.

Motion, by leave, withdrawn.

The House adjourned at Twelve o'clock.

## HOUSE OF COMMONS,

*Wednesday, February 27, 1850.*

### MARRIAGES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. J. S. WORTLEY said, it was painful to him to find himself upon this subject opposed to so many Gentlemen for whose opinions and capabilities he entertained so great a respect. Still, however, having at the outset duly considered the course which he was about to take, and having been favoured with the support of many men, eminent for their learning,

their piety, and their practical good sense, he felt that he was not at liberty to pursue any other course than steadfastly to press forward the Bill. The measure before them was in principle similar to the Bill of last year. It proposed to grant relief in respect to certain instances of marriage, the prohibition of which had proved productive of the greatest moral and national evils. He had tried from the first to bring the measure into the narrowest compass ; but this year he had endeavoured to restrict the operation of the Bill to the one necessity which required amendment, and thus as far as possible to avert the opposition with which he was threatened. In the Bill of last year it was proposed to legalise not only marriage with the sister of the deceased wife, but also those marriages which in principle were, he believed, equally unforbidden by every law natural or divine—marriage with the niece of the deceased wife. Yielding, however, to the convictions and the feelings, rather than to the judgment of many of his supporters, and being sensible, moreover, that the class of marriages in question did not create so urgent a grievance as the prohibition with respect to the deceased wife's sister, he had thought it consistent with his duty to leave out that portion of last year's Bill referring to marriages between parties and the nieces of their deceased wives. In the Bill of last year, acting upon what he knew to be the convictions of a learned and pious minority in the Church, he had proposed that clergymen should be specially permitted, although not compelled, to solemnise the class of marriages now under consideration. To this part of his Bill, however, there was considerable opposition, and therefore in the measure before the House he had abandoned the provision in question, and inserted another for the purpose of preserving whole and entire the discipline of the Church of England—a provision, which, while it proceeded upon the legality of the marriage, undoubtedly did leave those clergymen who celebrated them open to ecclesiastical censure in case of their superiors in the Church entertaining views opposed to the unions in question. This was a point with respect to which the position of the clergymen of the Church of Scotland was more difficult and delicate than that of the clergymen of the Church of England, who were not called upon when ordained to sign the canon prohibiting these marriages. In Scotland, although

no provision was made against the celebration of such marriages in the Confession of Faith drawn up by John Knox, yet a prohibition had been afterwards inserted by the Westminster assembly of divines—a prohibition which was undoubtedly binding upon every Scotch clergyman who took the ordination vows. This was a point upon which he admitted that difficulties existed, and upon which it was desirable that discussion should take place. Now he had heard a great deal stated as to the character of the Bill before them—a subject on which very erroneous opinions had been entertained and expressed. It was simply a measure of relief. It attacked no man's conscience, it proposed to alter the rules of no Committee, to interfere with the discipline of no church. It simply allowed, on a subject of confessed difficulty, of immense rival controversy, to individuals and to communities, the right of full freedom of judgment. Each person would of course be to a certain degree bound by the rules or the opinion of the community of which he was a member. The Bill did not pretend to change the character of the marriage. It left that where it found it. The measure simply allowed the unions in question to take place. Under these circumstances the question came to be, whether there were any objections in religion, morality, or policy which would warrant the House in refusing to sanction such marriages, in refusing to say that, under no possible circumstances, should such marriages be solemnised. It was said that he was about to change an ancient law. He was about to do nothing of the kind. The statute which he proposed to amend was only fifteen years old. The law as it at present stood was never law until 1835. Up to that period—unless exceptions were taken to a marriage of the kind during the lifetime of the parties—the ceremony was of unquestionable validity, and the consequence was, that previously to the year in question these marriages were of common occurrence. Were this question exclusively relating to the highest class of society he would not have brought it forward; but it concerned vitally all classes of society, and particularly the poorer, who were not influenced by that scrupulous and fastidious delicacy which existed in more elevated grades of social life. He repeated that in the middle and poorer classes these marriages were exceedingly common, and that instances of their being

annulled were very rare; such cases, when they did take place, having been founded upon proceedings undertaken for the collateral purpose of the recovery of property. Now, then, under what circumstances did the Act of 1835 pass? He held in his hand the form of the Bill brought in by Lord Lyndhurst. That Bill, so far from purporting to annul such marriages, was a Bill sanctioning marriages already contracted within certain degrees of affinity, and only extending in its prohibitive capacity to future and prospective marriages. The only grounds upon which he apprehended this Bill could be objected to were either some clear scriptural prohibition on the subject, or some general or national ground of expediency. He thought a wise course had been taken when this subject was last under discussion, in abstaining, with very few exceptions, from the Scriptural ground of objection. His opinion last year that the grounds relied on of Scriptural prohibition were untenable, had been confirmed by what had fallen from the hon. and learned Member for Plymouth, who, after applying a considerable amount of talent and ingenuity to the subject, stated that he thought, in “all probability,” there was some Scriptural prohibition. But if there were only probability, he (Mr. S. Wortley) apprehended that that would not form a sufficient basis on which to proceed, because the probability applied two ways. He declared most conscientiously he could find no such prohibition in the holy Scriptures. The first text relied upon was that directed against the abominations of the Canaanites; but how could they insist that such a marriage was specifically included when they found the Almighty allowed one of the patriarchs, from whom our Saviour was descended, to contract it? The wife's sister was not so near of kin as the first cousin, with whom marriage was allowed. In the Greek church persons were forbidden to marry two sisters, and in our own those marriages were prohibited within the seventh degree of affinity. If the objection held good on the saying that husband and wife were of one flesh, two brothers could not marry two sisters, and yet that was a marriage contracted by common assent every day. He was happy now to be relieved from the necessity of discussing the question whether the authority of the Church was overruling on the subject. Last year, the question of the authority of the Church assumed such a form as to open

up a much larger question than now presented itself. It had then been put as if the Church was to regulate the proceedings of all communities in the country with respect to this subject. Now, if all communities were the same, the authority of the Church might not be called in question; but, as had been stated on the previous occasion by the right hon. Gentleman the Secretary of State for the Home Department, how could it be pretended, in a country divided into so many different sects, that as sincere members of the Church, they should seek to bind the consciences of the whole community? But even in the Church itself it was notorious that this question had long been a subject of controversy. In a work published by Dr. Pusey, it was stated that this prohibition had been a practice of the Church for 1,500 years; but it would have been nearer the truth to have said that it had been a matter of controversy during that time. For the first 300 years of Christianity there had been no authority on the subject. In the fourth century they found Basil differing in opinion from his tutor, Polydorus. In the fifth century the Council of Illberis treated these marriages as matters of discipline which were not to be encouraged, but regarded them as different from incest. Dr. Pusey stated that dispensations to effect them were not known till the sixteenth century, and, for the purpose of prejudicing the case, it was added that the practice of granting them began with Alexander VI.—the infamous Borgia. But he (Mr. S. Wortley) had discovered instances so far back as the fourteenth century, in the pontificate of Martin IV. He suspected the real practice had been, up to that period, to leave the power of dispensation in the hands of the bishops. The Council of Trent expressly authorised them—and they had been continually contracted since with more or less disapprobation, whilst the highest authority of the Roman Catholic Church in this kingdom declared those marriages were not forbidden—and that, though dispensations were granted, it was as a matter of discipline and freedom of conscience. In the Established Church similar differences had existed since the Reformation. Luther himself refused his sanction to a marriage with a wife's sister where an illicit intercourse had previously taken place, as a question of discipline; but he distinctly refused his assent to the dissolution of Henry VIII.'s marriage,

on the ground that he did not think the degree prohibited. In fact, the most learned men of the day differed on the question. The opinions of Archbishop Cranmer had been referred to, but on such a question he (Mr. S. Wortley) did not think Cranmer a very great authority, considering that at one period of his life he had rendered himself subservient to the wishes of Henry VIII., with regard to the dissolution of his marriage with Katharine of Arragon; that he had, on another occasion, connived at the King's passion for Anne Boleyn, and afterwards refused his sanction to that subsequent marriage. The opinion of Bishop Jewell, given to a friend, had also been quoted; but it was to be remarked that the bishop did not speak *ex cathedra*, nor decide very strongly, for he concluded with these lines:—

———“ Si quid novisti rectius istis  
Candidus imperti; si non, his utere mecum.”

And Sir Thomas More, who had sealed his death by the expression of the opinion, had declared himself in favour of marriages within such degrees of affinity. But the controversy had continued down to our own time. John Wesley had declared that, to the best of his judgment, these marriages were not prohibited; and the best proof which could be adduced of the difference of opinion which prevailed upon the point might be gathered from the fact, that in petitions presented to that House, one thousand clergymen of the Church of England had petitioned in favour of the Bill. Such being the position with respect to our own Church, he asked how we could feel ourselves justified in putting fetters on the freedom of others? How could this authority be imposed upon the Dissenters? Formerly Dissenters and Roman Catholics had been excluded from all power by the Test Act and by the sacramental tests, but they had felt it right to admit them within the constitution at last. In 1836 the canon law was altered for them; and, whereas marriages could only be celebrated *in facie ecclesiæ*, and according to the rites of the Established Church, up to that year, Dissenters were now at liberty to marry according to their own forms, and the House treated marriage as a civil contract, independent of any religious ceremonial, though all good men must agree in wishing to obtain for marriage the solemn sanction of the church to which they belonged. But the best argument he could find was in the act of the Legislature itself. But a few years back they had passed an Act



the title of which was "An Act to render certain Marriages valid;" and was he to be told the House could deliberately render valid marriages which they knew to be prohibited by the law of God? Could it be supposed such an Act would have been made law, and that not merely in the presence of the heads of the Church, but by contract and communication with the Bishops, who had in effect given their sanction to the declaration that these marriages were not prohibited by the divine law? But he now came to the only other ground upon which this question could be considered; he meant the social ground. He had before stated that if the question were confined to the higher classes he should have been willing to have left it undisturbed. Admitting the possibility, that by persons accustomed to the refinements of high life—persons of refined education, manners and habits—some inconvenience might be felt by the discussion of this question, he thought that such feelings would not be of long continuance. Although some delicate feelings might be alarmed at the first sight of this question, and difficulties might be suggested, he believed that all that would pass away. When he was told that this was a woman's question, and that under the proposed altered circumstances no mother would allow her daughter to live with her married sister, or to administer to her on her death-bed, he wished to ask the ladies of the country, with every feeling of respect, what had been their conduct in this respect before the year 1835? Why, the thing had occurred frequently. Sisters often went to live in the houses of their brothers-in-law, and, as he heard an hon. Member say, in high life too. He was convinced when the discussion was at an end the subject would cease to occupy the mind of society, and would produce no more evil than on the Continent. If it were not that he shrank from alluding to the disgusting cases of immorality which had occurred under the present law, he might cite many to show them how inadequate it had been to secure its professed object. He could show them evils produced by the false protection it was supposed to confer, where a wife's sister, unconscious of danger, fell a victim to her fancied security. He did not wish to cite the morality of Germany, where these marriages were frequent, as higher than our own; but Dr. Helwig, of Berlin, gave it in evidence that there was no instance of divorce on record from a mar-

riage of this description, showing the moral nature of those marriages, which were perhaps less liable than others to be contracted from passion. No writer or authority that he had ever heard of ventured to say that the people of America were inferior to, or were not at least equal to ourselves, if not superior, in their regard to the morality of the married state. He had been talking lately to one of the most distinguished men in the United States, and in reply to the question whether marriages with a wife's sister disturbed the relations of the social state, the latter said—

"The only answer I can give you is this—that my wife's sister was the first visitor who came to us after I was married, and lived with us for months;"

which showed that none of the feeling which had been alluded to existed in the higher classes of that country. With respect to the poorer classes, the presence of this near relative in the house was not a matter of choice. The poorer classes could not afford the presence of a governess, nor could they conform to those rules of etiquette which guided the rich; and he held that it was only exposing the morals and religion of the poorer classes to assault to allow them so to remain without the sanction of marriage. In his opinion, the inefficiency of the law supplied sufficient reason why it should be amended. It was contended, on the other hand, that relief was about to be given to men after they had broken the law; but he thought that where it could be proved that the law had generally been disregarded, that was a reason why it should be altered. The principal use he made of such marriages was to show that notwithstanding their numbers they did not shock public opinion, and that parties who had contracted them suffered no reproach from their relatives or comrades. He had been ridiculed for estimating the number of these marriages since 1835 at thirty thousand. Perhaps that statement was exaggerated. His right hon. Friend the Member for the University of Cambridge, who had attempted to demonstrate the error of the assertion by the *reductio ad absurdum*, when he stated that, if so, one marriage in every four must be with a wife's sister, forgot that his (Mr. S. Wortley's) calculations extended to the whole kingdom and to the colonies, while the right hon. Gentleman confined himself to England and Wales alone. But he cared not what the exact number might be. It was admitted that



3,000 or 4,000 such marriages had been solemnised; and therefore, averaging the number of children from each of these marriages at three, no fewer than 8,000 men and women, and 12,000 children, in all 20,000 persons, were personally injured by the existing law. During the recess, a society, called the London Union Society, had circulated a series of queries to clergymen to ascertain the number of marriages, celebrated in London and elsewhere, which could be called offensive marriages. According to the *Guardian* newspaper it appeared that, by the answers returned, only 262 cases of such marriages could be adduced, and that of these 169 were marriages with the sister of a deceased wife. [Mr. A. J. B. HOPE: There were only eight or ten cases in London.] He (Mr. S. Wortley) was not aware that the statement had passed through the hands of the hon. Member for Maidstone. With respect to these marriages, however, it had been given in evidence by clergymen examined before the Commission, that great numbers of them had been performed by the Church in ignorance of the degrees of affinity subsisting between the parties. It might be said that bigamy was common also; but bigamy met with public scorn, indignation and punishment, while these marriages were not regarded as in any way offensive, but rather as praiseworthy and proper. He would now read to the House the testimony borne by several clergymen to the impolicy of continuing the present state of the law on this subject. The Rev. Thomas Dale, now rector of St. Pancras, and who had also had great experience in the parish of St. Bride's, Fleet-street, observed—

“So far as my parochial experience extends, the prohibition of marriage with a deceased wife's sister operates far more to the promotion than to the prevention of crime. Among the lower classes cohabitation without marriage is almost invariably the result, while the few conscientious persons who are deterred by the law from forming such a connexion are precisely those to whom it would be a benefit. Were the prohibitions founded on Scripture, we ought, at whatever sacrifice, to obey God rather than man; but I cannot see the expediency of a law which, having no such sanction, is observed only by the scrupulous, evaded by the wealthy, and defied or disregarded by the poor.”

The Rev. J. H. Gurney, rector of St. Mary's, Marylebone, remarked—

“On the other hand, looking at the poor, and the size of their houses generally, it is quite clear that if it be desirable for the aunt to be the trainer, then it is equally clear that she should

be the stepmother. A common dwelling in their case implies and necessitates cohabitation. Very often two chambers are not to be had; and, at any rate, there is such a want of privacy, and so much of compulsory contiguity, that delicacy will be shocked and outraged while the two persons live apart, or a closer union will take place, with permission of the law or in defiance of it. Now, as it is quite clear the Legislature cannot make one law for the rich and another for the poor, and the policy of such a measure is essentially different with reference to the two classes, it seems to me almost a self-evident proposition that it must just let the matter alone. It does not concern Parliament, nor fall within their province. Many persons have a strong feeling against such unions, but they have no right to impose a yoke upon their neighbours; and the attempt to do so, it seems, is resented as a wrong, which men's natural sense of justice revolts against. In our rank of life, I think it an invasion of our liberty which we have a fair right to complain of. You and I can settle such matters for ourselves, at least as well as Lord Lyndhurst and they who voted with him, very blindly, after little thought and no inquiry. But the grievance to you and me is nothing as compared to the poor man's grievance. We can get nurses and governesses for our children. A kind sister-in-law perhaps will come and live with us, and we can give her such accommodation as she wants. He has not room in his house for any female but a wife: none but an aunt can be expected to take charge of the children without pay, and the law says peremptorily and arbitrarily that the aunt must not be the wife. . . . I must say, I think it has a great deal to answer for already, and the sooner it takes to repentance and confession the better. This hardship on the poor, I think, wants pressing particularly. Almost everybody to whom you talk on the subject in society, has in his mind the case which may be his own. The habits and feelings of gentlemen and ladies are the things referred to. The number of persons probably affected in a whole generation among the upper classes is comparatively inconsiderable—the number of persons, I mean, who would marry a sister-in-law but for a prohibiting law. But lower down, it affects tens of thousands of widowers. It is almost always desirable that the man left with a young family, there, should marry again. Very often he must have a female in the house before his wife is buried, to take charge of the youngest children. Upon whom can he reckon often but a sister-in-law, in an hour like that? What so fit as that she should stay on with him, if there be no impediment? When she has got almost a mother's place in the affections of her children, it seems cruel to turn her away. Yet she cannot stay with comfort and propriety, when things have resumed their usual course, except as the second wife. ‘That she must not be,’ says the law; ‘she must turn out, and a chance stranger must take her place.’”

The Hon. and Rev. Mr. Villiers observed—

“I cannot perceive that it is forbidden in the word of God; on the contrary, the limitation of Leviticus xviii. 18, seems to be a sanctioning to marrying a sister of a wife when deceased. The question appears to me to be one purely of expediency. The alteration of the law will not probably diminish the happiness of social intercourse

in the upper classes, but it may make a change in those brotherly and sisterly familiarities which have hitherto existed, and existed with advantage. But I conceive the great gain will really be to the poorer classes, who, I am convinced, with very few exceptions, never trouble themselves about the legality of the question at all. If they are aware of the illegality, they escape from the difficulty by dispensing with the marriage ceremony; and if they are ignorant of the illegality they violate the law, and the object of the Legislature is equally defeated. In short, I am decidedly of opinion that the repeal of the present law, while it may partially, and very partially, affect the habits of society among the upper classes, will remove a barrier to marriage which now exists, but which I do not believe God ever set up. It will prevent much immorality among the poor, relieve many a burdened conscience, and tend to the increase of happiness amongst large numbers of our fellow-countrymen."

Dr. Hook remarked—

"People in general do not consider such marriages improper. They cannot be proved to be improper by Scripture. The question is, therefore, one of expediency, and my experience as a parochial minister induces me to think the measure expedient. Yet when a poor man has lost his wife, whatever may be his feelings, he is almost compelled to replace her as soon as he can. To him the wife is not only the companion but the nurse of his children, and the servant-of-all-work in the house. If a stepmother is thus necessary, where are the children so likely to find one who will regard them with affection, and treat them with kindness, as in the sister of their mother, whom from early years they have known and loved? On these grounds, if ever a convocation be called, and I be elected one of the proctors, I shall move for an alteration, in this regard, in the table of kindred and affinity. Until this be case, I shall be glad to see such marriages legalised by the civil rite."

Another gentleman, a rector in one of our largest manufacturing towns, observed—

"Believing that Scripture contains no positive prohibition against a man marrying two sisters, and believing also, that were an alteration made in the law upon this point, much sin would be avoided; these considerations have induced me to be of opinion that a change in the law would operate beneficially upon the morality of the nation."

Another clergyman of a populous parish said—

"My own judgment is, that it is unwise to go beyond Scripture rule unless a strong case be made out; that the implication evidently contained in Leviticus xviii. 18, is, that the concubinage with a living wife's sister was unlawful, but that marriage with a deceased wife's sister was not forbidden; and that it would promote the cause of morality, especially among the lower orders, to abrogate the existing law."

Another clergyman, a rector in the immediate vicinity of London, remarked—

"I believe, most sincerely, from my knowledge of the poor, that much evil would be prevented

amongst them, if the measure you have brought forward be carried."

Another clergyman, the rector of a metropolitan parish, remarked—

"My own experience as pastor of more than one populous parish leads me to believe that the present law presses heavily both upon rich and poor. I have been compelled, as a surrogate, to refuse to grant licence, as well as to solemnise marriage, in the former class; and to prohibit the publication of banns in the latter. In one instance that I can call to mind, I happened to know that marriage between the parties was afterward solemnised at another church; and I have good reason to believe that many marriages are prevented so as to cause unhappiness among the scrupulous, and immorality among the reckless, under the present state of the law. If this experience—which I believe to be the experience of every parish priest who has large numbers entrusted to his spiritual cure—be really as extensive as I suppose, it must be weighed as a question of expediency against that supposed inconvenience which it is said will arise from destroying the confidence that now subsists between brothers and sisters-in-law. If the object of law be to promote the general good, care must be taken lest in the attempt to effect that end a correlative evil be not originated. My own experience leads me to believe that this error has been committed by the somewhat inconsistent Act which has legalised marriages for the past, while its operation forbids the possibility of legalising any such for the future."

Another clergyman, writing from one of our great metropolitan towns, observed—

"With respect to the poor, as far as my ministerial experience goes, after a residence of more than one and thirty years in a dense population of the humblest classes, I cannot but regard it of the utmost importance to encourage the respect of the poor 'for the holy estate of matrimony,' and for the law of the land; as also to diminish their temptations, to promote their self-esteem, to confirm their cottage comforts, and to facilitate their obtaining for children bereaved of a mother the nearest substitute for maternal care; and, to my mind, it seems clear, that one means of effecting this would be to remove the stigma which now attaches to marriage with a wife's sister, and to render lawful and honourable (about which the poor are very sensitive), that so fitting and proper and often needful a relation."

He next begged to call the attention of the House to the following passage in a letter written by the curate of St. Pancras, the Rev. Mr. Stainforth. He says—

"Nor is it possible for a person in my situation to overlook the practical consequences of the present state of things. Few people ought to know these consequences better than myself, for nearly a thousand couples pass yearly through my hands, and I find that I have frequently, though unknowingly, joined together those whose union is still forbidden, while among the lower classes the ceremony is too often dispensed with altogether. I should not think much of this argument if the language of the Bible were explicitly against the practice, or if such evils resulted from it as

from the union of persons who are too nearly allied by blood. But as I conscientiously believe that neither of the objections can be made good, I think it a great evil to insist upon a rule in which no sacred principle is involved, and which is found to be at variance with the feelings of a large class of society."

He had also before him the opinion of the Bishop of Sodor and Man, who had been for many years incumbent of the living of Battersea. He says—

"Having had for many years the charge of a large suburban parish, I became acquainted with several persons who had married their deceased wife's sister. The sister-in-law, in these cases, was the person upon whom the care of the children devolved: she was the best and nearest substitute for the mother. In these cases it was greatly to the advantage of the children that the second marriage took place. Without marriage the sister-in-law could not have resided in the house, the labourer's house affording no spare room. The parties I have in view married without the knowledge that their marriage was illegal; they were possibly led to form this opinion from the fact that many such marriages had taken place amongst the more educated portion of the community, before the repeal of that Act which rendered such marriages voidable but not void. So far as the poor are concerned, I believe that an alteration in the present law is much to be desired."

[Sir R. H. INGLIS: What is the date of the letter?] The date of that letter was so far back as the year 1842. He had other letters from other clergymen, but he thought he had read enough to sustain his proposition. There was one other consideration which he begged the House to recollect, and that was that the parties to the marriages were not the only persons interested—there were the children. And he had no hesitation in saying that, although the majority of women in the highest class might be against those marriages, if they went amongst the middle and lower classes they would find the opinion of the majority was in favour of them. As he was going to observe, the children of the parties were also interested in the question. They were born from year to year, some of them without a knowledge of the position of their parents—others with a painful sense of their position—and that was a matter which he begged of the House to take into consideration. He would read a letter, in the next place, from the Rev. Mr. Drummond, a most esteemed clergyman; that letter exemplified the position of the families in which such marriages occurred. He says—

"I this day, through Admiral Dundas, sent a petition to the House of Commons, signed most cheerfully by every householder, nearly, in what

is called Old Charlton, in favour of your Bill for an alteration in the present Marriage Act. Most heartily do I wish you success. I have carefully considered the matter, and, in my humble judgment, I feel certain your Bill, if passed, will check much immorality among the poorer classes: their circumstances more especially lead them into temptation which those in larger houses, and better educated, can more easily avoid. I cannot believe, as has been sometimes said, that it is unscriptural that a man should marry his wife's sister. The law of man has made it sin, but you cannot make the poor man believe the law of God does. I have an instance in this place of one who, with the exception of this infringement of the law, as it now stands, is as correct and good a Christian as can be named in any situation of life, and I cannot tell you the pain I felt in registering his child after baptism as illegitimate; but, as the law stands, I could not do otherwise, cruel as I believe it to be."

Then there was also the question to be considered, whether with respect to the parties who had so married contrary to the existing law, the clergyman could give them the benefits of his sacred office. He could refer to a correspondence between the clergyman of a parish and one of his principal parishioners, for whom he had for years entertained the greatest respect, in illustration of the difficulties arising on that part of the case. The clergyman in writing to him says—

"I know not that I differ with you much in opinion, but while this law exists the marriage is not legal; you are, therefore, living in fornication, and I cannot admit you to the sacrament."

There was no choice left to the clergyman. It was not a legal marriage, and, however respectable the man might be, or however regular in his attendance at church, the clergyman says he could not encourage him to go to communion. That was a consequence of the present law; and he believed there might be many instances cited to show that while the present law was inconsistent with the feelings of the people, and while they could violate it with the consent of their friends, and were not reproached by society, they on the other hand felt as a painful consequence of the operation of the law, that they were denied the sacrament. Persons so circumstanced were left without any choice; the clergy had no choice; and they were prohibited from presenting themselves at the altar, though otherwise they would have been most frequent in their attendance. Such persons and their children naturally felt that they were injured in their dearest rights, and that they were entitled to claim an alteration in the condition of the law. In a multitude of instances marriages of



this description were contracted with the full advice and approbation of friends, and it was most painful to all parties that they should be condemned by the law of the land.

SIR F. THESIGER, in opposing the Motion, said, he was anxious to place before the House, as briefly as possible, but with perfect frankness and absence of reserve, the reasons which had induced him to come to a conclusion the opposite of that at which his right hon. and learned Friend had arrived—a conclusion which rendered it impossible for him to avoid saying that he thought it would be most inexpedient and mischievous to pass any such measure as the Bill then before the House into a law. No doubt, any proposition proceeding from his right hon. and learned Friend was entitled to respect, and he himself deserved great praise for the earnest attention which he had devoted to the subject, and for the distinguished ability with which he had brought it forward. It was scarcely necessary for him to remind the House that the Bill before them was one of the very highest importance; the relation with which it proposed to deal was one which was the foundation of the whole fabric of society; the happiness and morality of thousands was dependent upon it, and all must naturally be anxious to form a correct judgment on the subject. He (Sir F. Thesiger) had done all in his power to master its difficulties. He had read, and that was no small matter, the greater part, if not nearly the whole, of the pamphlets that had been published on the subject; he had attended closely to the debates regarding it that had taken place in that House; and the result of his feelings and his judgment, or a combination of both, led him to think that the passing of the Bill would be both inexpedient and improper. Looking carefully and attentively at the whole question, he had thought it right to do all in his power in the outset to ascertain the real state of public feeling on the measure before them. He was ready to concede that where anything depended upon mere human will or human legislation, public opinion was much to be regarded; and where a law coming within such a description was opposed to the general sentiment and feeling of the majority of the people, such a law ought not to be permitted to continue. But he must distinctly state, that in the attempt to discover the condition of public opinion upon this subject, he encountered great diffi-

culty; and he certainly found that this case afforded an extraordinary illustration of what a small number of persons might accomplish, and how by combination they might attain ends opposed to the opinions of the great mass of the community, which, generally speaking, was too inert to set itself against the active exertions of a small but energetic minority. In coming to a decision on this question, the House would find that the history of the proceedings taken with regard to it were not immaterial. About ten years ago, a number of persons of considerable station and wealth, some of whom had violated the law by contracting marriages which it prohibited, and others who were scrupulous on the subject, but desired an alteration of the law, associated themselves together; and as a first step towards the accomplishment of their object, they employed a firm of attorneys of great respectability and high character for the purpose of taking such steps as might be necessary for the accomplishment of their object. The House had now before them some proofs of what had been effected by the perseverance, skill, address, and sustained energy with which those gentlemen devoted themselves to the prosecution of the object with which they had been intrusted. They commenced their operations in the year 1840 by the publication of several pamphlets, written with great ability, in which the question of the prohibition of marriage with a deceased wife's sister was fully discussed, both upon the divine and upon human law, and conclusions were insisted upon in unison with the Bill now before the House. Then circulars were addressed to the archbishops and bishops, asking for their opinions, which however were not attended with any great success. Petitions were solicited from various parishes. Cases were laid before several leading members of the bar for their opinions: even the criminal law and the law of settlement were taken advantage of to raise the question, and keep it alive in the public mind; and at last nine different persons were retained to resort to allotted districts for the purpose of collecting evidence to support them in their endeavours to attain the object which they had in view. He did not mean to say that any of those professional gentlemen had been selected on account of their known opinions respecting the question now before the House; neither did he mean in the least to insinuate that they were not gentlemen of high character and

that they performed their duty with fidelity; but considering the circumstances under which they were employed, and the object of their inquiry, it was impossible that they could take an impartial view of the question which the House of Commons was now called upon to decide. In proceeding to different parts of the country for the purpose of procuring evidence, it was natural to suppose that they would, in the first place, be introduced to persons who were interested in the success of their object; and from such persons they would learn little that did not make for their preconceived opinions; and from them they would be brought into communication with other parties who were as much interested in procuring an alteration of the law, and, being so passed from one to another, it was not to be expected that the information which they obtained could be regarded as anything but partial and unsatisfactory. Now, the whole of the evidence so collected constituted the staple of the report, and that report reflected nothing more than the materials collected under the circumstances that he had described. In looking at the report, he found that forty-one witnesses had been examined, of whom ten had been professionally employed, fifteen had been married contrary to the existing state of the law, or were otherwise interested in the success of the proposed alteration; two were lawyers, of which number one was the Lord Advocate of Scotland, and the other a German lawyer; fourteen clergymen, and ministers of different denominations who differed in their opinions; and then, with such evidence before them, he was anxious to see what view the Commissioners themselves took, and for that the House might refer to the report. It admits that the opinion of the mass of the community was opposed to the proposed alteration of the law. That the majority of the clergy of the Established Church objected to these marriages. That in Ireland the great majority of the clergy of the Established Church disapproved of these connexions, which were also generally disapproved of by the Presbyterian ministers in that country. That in Scotland the opinion of the clergy is decidedly against these marriages; and that among the laity of the united kingdom the prevalent feeling is against them. With this concurrence of public opinion against the change proposed in the law, he was anxious to ascertain what were the reasons which influenced the Commission-

ers to incline, as they obviously did, to the Bill of his right hon. Friend. They were to be found scattered up and down in the report, and were to be extracted from various parts of it. As far as he collected them, they were "because families of a religious and moral character have, in several instances, when such connexions have taken place among themselves or their friends, been perfectly satisfied upon a consideration of the whole subject, that such marriages were not objectionable either in a religious or a moral point of view; because such marriages will take place when circumstances occur which are calculated to bring them about; because they spring out of a peculiar combination of circumstances—called in another place 'a concurrence of circumstances giving rise to mutual attachments'—which, when they do occur, give rise to feelings naturally leading to marriage; and because it is not the state of the law, prohibitory or permissive, which has governed, or ever will effectually govern them." With all respect for the distinguished persons who drew up this report, he must confess he was not satisfied with these reasons. He did not wish to take any advantage of unguarded expressions, but it was quite obvious that the same course of reasoning might be adopted to justify any violation of a law, where the passions, the desires, or the convenience of men, accompanied by "a concurrence of circumstances" instigated them to disregard it. On the whole, then, it did really appear to him that the reasons placed upon the face of that report as grounds for making this important change in the law of marriage, were such as ought by no means to carry conviction to any unprejudiced mind. He believed it was admitted on all hands that if marriage with a deceased wife's sister were against the law of God, it would be most presumptuous in any human legislature to give its sanction to it. This was peculiarly one of those cases in which every man must judge for himself whether or not the divine law was opposed to the change intended to be brought about. For his part he should have been glad to have obtained the opinion of the Church upon the question by an assembly of divines, in convocation, or some other manner. It would probably be said, that to look to the decisions of such an assembly with implicit deference, would be a weak abandonment of the rights of private judgment, and the suggestion would pro-



bably find no favour in that House; he believed it would not, and he felt, therefore, that he must endeavour, as well as he could, to come to such conclusion as the varied evidence laid before them would enable him to arrive at, and to form the most correct judgment that, under the circumstances, he could of the matter then before the House. After all, it was a very painful subject to discuss before such an assembly as the House of Commons; but it would be the less necessary for him to enter into very minute details, as the speech of his hon. and learned Friend the Member for Plymouth, and that of his right hon. Friend the Member for the University of Oxford, had on former occasions almost exhausted the subject, and he felt that if he were to take up the ground which they had most ably occupied, he should only weaken the effect of their admirable arguments. Considering, however, the question to be one of the highest importance, he could not permit it to be disposed of without, to some extent, laying before the House the views which suggested themselves to his mind. In the first place, he believed that the prohibitions contained in the Levitical law were part, not of the political, but of the moral law of the Jews, and that those prohibitions were of universal application. These laws were in his judgment in full operation under the Christian dispensation, where they are enforced by a higher sanction and a purer morality. The close and mystical union between husband and wife which is so often inculcated, and so strikingly enforced in the Gospel, leads irresistibly to the conclusion that a marriage with the near relations of the wife would be abhorrent to the more refined and higher principles of Christianity. Much might have been permitted under the looser morality of the ancient Jews, which was excluded under the purer rule of the Christian dispensation, for the union of man and wife, under the law of Christ, was far holier and more intimate than under the older law; and what was allowed under the one, might very well be made sinful by a higher and holier law. Looking, then, at the old law and at the Gospel, he conceived that he was enabled to sustain the opinions which he entertained, not only from parity of reasoning, but from positive injunction. The prohibition contained in one of the verses of Leviticus, on which so much of this case was supposed to rest, could only be construed in the way contended for by supposing it con-

tained a divine sanction for polygamy, which—though indulgences were permitted to the Jews on account of the hardness of their hearts—will hardly be asserted by any one, was ever sanctioned by the Divine will. Still, many persons stumbled at that text in a state of doubt and perplexity, finding it impossible to come to any satisfactory conclusion. Now, to those who entertained such doubts he should venture to address this interrogatory. What, under such circumstances, did wisdom require of them? He did not mean a narrow, selfish, worldly, prudence—but what did a high and enlarged wisdom require of them? It required this, that they should not concur in an act which, for anything they could tell, might be opposed to the Divine law, and so as was said on a more honourable occasion, “they should haply be found fighting against God.” His right hon. and learned Friend had not dealt fairly with the councils. He stated it was not until the fourth century that any trace of the prohibition of these marriages was to be found in them, and that the origin of it was lost in obscurity. But if such prohibition is found in councils of this early date, it was reasonable to suppose that their decisions were only declaratory of what was and had been the general opinion of the Christian world at and antecedent to the period at which such councils sat. These councils had also been disparaged, because many of their injunctions had been in more recent times entirely disregarded. But the distinction must always be borne in mind between matters of order and discipline, which were of temporary, and matters of faith and morals, which were of perpetual, obligation. Let them show him any instance in which upon those higher points there had been a fluctuation of opinion or practice, and the argument might then be worth something; otherwise, it were no more than if a man were to say that the constitution of England was founded on Magna Charta, and he were to be answered by pointing to some of its provisions which were disregarded and had become obsolete. The state of public feeling, then, being as he hoped he had truly described it, he begged the House now for a moment to consider the first effects which the legislation which they were called on to adopt must necessarily produce. Those effects would be to legalize marriages contracted with a full knowledge that they were violations of the law of the land; and in no-

ticing that probable effect of the measure he must be permitted to say that the law of 1835 gave them no great encouragement to proceed in a course of retrospective legislation. That law was passed to meet a particular case. It was said that the bishops would not have supported it unless they believed it to be in consonance with the law of God. It was not for him to question the grounds upon which the bishops gave their votes; but of this there could be no doubt, that that law had the character of a species of compromise, and was evidently stamped with inconsistency. But it expressly enacted that all such marriages contracted after 1835 should be null and void. An appeal was now made to Parliament on behalf of persons who, with the full knowledge of the law, had chosen to contract these marriages. Now, consider what they must have done preliminary to it. Either upon the obtaining a licence, or before the publication of banns, there must have been a false declaration, and at the time of the ceremony they must have disregarded the solemn warning addressed to them in these words:—

"I require and charge you both, as ye will answer at the dreadful day of judgment, when the secrets of all hearts shall be disclosed, that, if either of you know any impediment why ye may not be joined together in matrimony, ye do now confess it."

His right hon. Friend the Member for the University of Cambridge suggested to him that this only applied to marriages by the clergyman, and not to those before the registrar, and he was perfectly right. But before a marriage in either way, the previous declaration was required, which is, "that there is no lawful," not as suggested, no scriptural impediment after "effect." One cannot too strongly condemn those who, in England, have contracted such marriages subsequently to the passing of the Act of William IV., for they have deliberately entered into alliances which that Act rendered absolutely void—nothing can justify or extenuate such conduct. But the impediment which these parties were enjoined to declare was "lawful impediment," and not "scriptural impediment." In page 143 of the Appendix, a person who had contracted one of these illegal marriages writes—

"When I took that important step I had fully satisfied my mind that it was thoroughly justifiable on the grounds of good morals and sound religion, and in accordance with the written word of God. I knew, of course, that I was running coun-

ter to the Act of Parliament. If I did either religious or moral wrong, repealing the Act cannot now make me right, any more than if I did right the Act as it now stands made me wrong."

Now, that was a very loose method of viewing the infringement of the law, but it was a good deal countenanced by the report of the Commissioners to that House. There would be no difficulty in showing that where parties contravened a mere human law, which was not in opposition to the divine, such an act was little consonant either with morality or religion. The right hon. and learned Gentleman said that the House had to consider the case not merely of the parties to these marriages, but the case also of the innocent children born under them, 20,000 or 30,000 of whom his right hon. and learned Friend said were in the predicament of being rendered illegitimate by their legislation. Well, if parties were disposed wilfully to violate the law, it was not too much to ask that they should have a little regard to the consequences. If the House were called upon on the present occasion to legislate to prevent the evil consequences of evil actions from extending to innocent persons, they might erase all their criminal code, because the consequences of crime were never, and could not be, confined to the guilty, but necessarily extended to every person connected with them. But it was said that the repeal of the law was peculiarly called for for the sake of the poor, and they were told that, owing to the scanty accommodation of their houses, the convenience of having a relation at hand at once to enter upon the duties of the household when the wife died, and the inability of the poor to provide pecuniary remuneration to any one else—that on all these accounts such marriages were likely to take place on the part of the poor. But when this question was first agitated in 1840 by the wealthy persons who associated themselves together, the case of the poor was not one that was then very prominent in their minds. It was now a very important and very useful adjunct; it was now put more prominently forward than the case of the wealthy. The right hon. and learned Gentleman even told them that if this were a question between persons in the higher stations of life he should not think it worth his while to interfere; but that it was a question intimately affecting the middle classes and the poor. Now, this allegation, that the case was one affecting the poor, was very little understood, and very

much exaggerated. He (Sir F. Thesiger) believed that these marriages were not common among the poor. The sister-in-law was most usually otherwise employed in that class of life, and was not able in the majority of cases to be present in the house on the death of her sister. Every particle of the evidence at present before the House showed that the statements made regarding the poor had been grossly exaggerated. He would take the return of the number of marriages of this kind contracted since the year 1835. They knew that the poor unfortunately constituted the mass of the community. But, out of the 1,503 marriages contracted since 1835, how many appeared to have been contracted by mechanics and labourers? Why, forty. His right hon. and learned Friend told him to read the reasons given in the report why the number of these marriages in the returns was not greater. Well, what the Commissioners really stated in the report was, that they did not know anything about these marriages; that the parties were so obscure, that they could not detect or discover them. ["No, no!"] There was the evidence of the Rev. Mr. Denham, of St. Mary-le-Strand, who knew of one such marriage among the poor. The Rev. Mr. Hatchard, clergyman of a parish containing 25,000 persons, could only speak of his own knowledge of one such case. The Rev. Mr. Owen, of Bilston, with a parish of 20,000 souls, and surrogate of a district containing 780,000 persons, did not think that one case had occurred within his district; and all the clergymen who had given this evidence were in favour of an alteration in the law. [Mr. S. WORTLEY: They all believe there are a great number that they do not know of.] Yes, they "believed" it. And was the House to legislate on such grounds? Other witnesses said they believed these marriages were not frequent among the poor; and the rector of a parish, who stated that he had not read the evidence, said, he "understood" parties were living in a state of concubinage on account of the state of the law. But what ought Parliament to legislate upon—known and admitted facts, or the "belief" of these parties? Whether he took the statistics or the positive evidence, the case of the poor entirely failed, and the right hon. and learned Gentleman had called upon the House to act upon credulity, and legislate without known facts. The parties who were promoting this question for their own advantage, had no right to press for-

ward the case of the poor on such insufficient grounds. It would be conceded, that some urgent necessity must be shown to justify *ex post facto* legislation. This urgent necessity, the right hon. and learned Gentleman said, was to be found in the case of the poor; but he (Sir F. Thesiger) had proved that no case for urgency had been made out on the part of that class, whose hardships, if they existed, he admitted would be entitled to the deepest sympathy of the House. They were next left to inquire whether there was a large number of persons entertaining scruples on this subject, who yet had not infringed the law, but who desired to effect an alteration in the law from the peculiar circumstances in which they were placed, and who pressed their arguments upon the attention of the House for their own advantage. He thought it would be better if the letters of some of these parties had not been introduced for the purpose of showing the hardships of the existing law. He adverted to one statement which appeared in page 143 in the Appendix of the Commissioners' report, in the form of a letter to Mr. Crowder:—

"In August, 1836, it pleased God to remove from me a wife with whom I had lived nearly thirty-six years in as much happiness as falls to the lot of most men. I was thus left a widower with six daughters, three of whom are married. Two are at the head of a respectable boarding establishment for the education of young ladies. The youngest is living with me. Having been thus deprived of my helpmate, and left with an establishment by no means small, which in the opinion of the whole of my family could not with propriety be intrusted to so young a person as the only branch of my family remaining with me, it was therefore, with her entire concurrence, and that of every other member of the family, that my late wife's sister, who had resided with us as one of the family upwards of twenty years, kindly undertook the care of the household, the duties of which she has assiduously fulfilled, and, having no connexions or sympathies out of my family, we are now to all appearance destined by Providence to spend the remainder of our lives together. I am sure I need not use any argument to show how much it would add both to her comfort and my own, could we be lawfully placed in the situation of man and wife, and this we had determined to do, but find the law of consanguinity as it now stands to be a bar, and unless this obstacle is likely to be speedily removed, we shall be induced to adopt some mode to evade or seek redress in a foreign country. I view the prohibition as unjust, my conscience bearing me witness. I see no law, neither in morals nor religion, that imposes such a prohibition, and in this I am borne out by my own family and connexions, including my brother's family and the minister with which it is my happiness to be connected, nor do I know of any reason, either private or public,

which can be urged against it, except this which I am induced to call an iniquitous statute. We are both above sixty years of age, and may not, therefore, be charged with the frivolities of youth."

Now, when a case of this kind was brought forward to show the hardship of the law, where the parties were upwards of sixty years of age, and, consequently, might have lived together respectably without incurring the censure of the world, the promoters of this Bill must have been hard pressed for instances to show the hardships of the present law. The right hon. and learned Gentleman and the Commissioners said they did not expect, if the present Bill passed, there would be many more of these marriages contracted than had been contracted under the existing state of the law. Well, then, the House was clearly asked to legislate for a comparatively small number of cases that were likely to occur, and they were also asked to legislate without reference to the great majority of instances in which the care and attention of the sister-in-law might be of the greatest importance to the husband, and which he might now enjoy, but which, if this Bill should pass, it would be impossible for him to receive. The opponents of this Bill admitted that the sister-in-law might be the best guardian of the orphan children; but they also felt that the natural affections arising from the near relation in which she stood to them might be perfectly sufficient for their protection without imposing upon the husband and his sister-in-law the necessity of contracting a marriage. The opponents of this Bill also said, that if the parties contracting such a marriage were young, it was probable that a family might be born to them—that the natural affection of the mother springing up in the breast of the aunt might predominate over other ties—and that she would then have the same feelings towards the children of her sister which were ordinarily attributed to the stepmother. If the parties were old, they might live together without the censure of the world, and the care and attention of the sister-in-law might be bestowed by her just as efficiently and affectionately as if she had contracted a marriage with the husband of her deceased sister. But when was it that this care and these attentions were most required? It was at the moment when the grave had closed upon the wife—when the bereaved and distracted husband looked around him, and wondered who

would accept the charge for which he was then utterly unfit—it was at that moment that the affectionate solicitude of the sister-in-law provided for the occasion; she took her natural position silently in the house; she administered the kind offices which the bereaved condition of the husband and children required; she did it purely and efficiently, and without the slightest suspicion attaching to her motives. But, take away the prohibition of these marriages, and what was then her condition? She would shrink from appearing in the house of her brother-in-law at the very time when she was most needed there; whatever her feelings might be, she knew that the censorious would attribute her presence to a desire of supplying her sister's place in the affections of the husband. Thus she would avoid giving her aid at that particular moment when it was most requisite; and by the law now proposed they would deprive these children of, instead of supplying them with, the guardian which nature had given them. Nor was this all. How entirely did the promoters of this measure propose to change the relation between the sister-in-law and her sister's husband! She was now received in the family on the footing of a sister. Her intercourse was pure and affectionate, and free from suspicion. But, allow the husband to marry his wife's sister, and what would be her condition then? From that moment they would make her a stranger in the family. In the purest sunshine of domestic life, clouds would occasionally intervene; suppose at such a moment the attentions of the husband were directed to his sister-in-law: at present she might interpose her gentle offices to effect a reconciliation; but, change her relation to the husband by this Bill, and all her kindness during this transient estrangement might be turned to suspicion; let distrust once enter the mind of the wife, every trifling circumstance would increase it, until it grew into the madness of jealousy, and all domestic happiness would be destroyed. They were about to legislate by this Bill professedly for a small number of parties, while they utterly disregarded the vast majority of persons who had no desire to contract these marriages, and who wished to retain for their families what they might at present enjoy—the assistance and protection of the sister-in-law. For the sake of legislating for a few, they were about to sow the seeds of unhappiness, alienation, and suspicion in many a family in the



country. Last year the Bill of the right hon. and learned Gentleman proposed to remove the prohibition against marriage with a wife's niece. His right hon. and learned Friend had now remodelled the Bill, and confined himself to allowing marriages between the husband and the wife's sister. Now, he should like to know on what principle, when this Bill had passed, the right hon. and learned Gentleman could refuse his concurrence and approbation to a measure for legalizing marriages with a wife's niece, if any hon. Member should bring in such a Bill? The right hon. and learned Gentleman allowed of marriage in the nearer degree, and left the more distant degree under a prohibition. He wondered, too, why the right hon. and learned Gentleman refused to allow the brother to marry his brother's widow. These parties stood in the same analogous position as the parties for whom the right hon. and learned Gentleman now proposed to legislate, and the marriage of a brother's widow ought to be equally lawful. The Bill, in fact, was only an introduction to successive alterations in the law that would allow of marriages within almost all the degrees of affinity. Parliament could not stop short if they agreed to this commencement of evils, and then they must soon come to what was represented to be the object of a petition presented by the Secretary of the Admiralty in the earlier part of the day, which the hon. Gentleman had inadvertently described as a petition for the repeal of the law with regard to all marriages. But there was another strong objection which he entertained to the Bill, which had been furnished by its proposed provisions. The Legislature either had the power, or it had not, of dealing with this subject. If it had not the power, it could only be because there was a Divine prohibition against marriages of this description; but if there were no Divine prohibition, the authority of the Legislature was paramount, and should be enforced, and every person should be bound to obey that law. Yet upon the very face of the Act the misgivings of the promoters with respect to the validity of the law were clearly stamped. It was provided—

“That nothing in this Act contained shall be deemed or construed in any civil or ecclesiastical court of this realm to alter or in anywise affect any doctrine, canon, or law ecclesiastical of the United Church of England and Ireland, or of the Church of Scotland.”

But if the canon law was not based upon

the divine law, the Legislature had clearly a power over the canon law. It was admitted by the promoters that these marriages were not divinely prohibited, and the Legislature was therefore to allow persons who entertained different opinions on the subject to act upon their own canons and doctrines, without being compelled to obey that which was superior to their canon law. He objected to the Bill because it had a tendency to set one party in the Church against another. It was deeply to be regretted that the Church should be rent in twain, but he was afraid that if this Bill should pass there would be no difficulty in drawing a line of demarcation, and of stating on which side would be found those clergymen who would solemnise these marriages and those who would not. The breach between these two parties in the Church was wide enough already; but the present Bill would have the strongest tendency to widen it, because it would place an additional badge upon the two sections of the Church by which they would be known. This was a reason which ought to weigh with the House before they passed this Bill. It was clear that there were a great number of clergymen who would refuse to solemnise marriages of this kind. But what was the poor man to do if his clergyman refused to solemnise such a marriage? “Oh,” it was said, “he will have nothing to do, if he can't obtain the sanction of his own clergyman, but to go to a neighbouring parish where the minister holds different notions.” But the poor man could not leave his home; he was tied to his occupation, and he could not afford the residence necessary to enable him to solemnise a marriage in another parish. But suppose he did, and suppose him married to his wife's sister. He returned to his parish; his clergyman thought he had been guilty of the infringement of a divine law, and refused him the sacrament. It was a painful denial, and the facts mentioned by his right hon. and learned Friend at the close of his speech were very distressing; but it was clear that the minister had only done his duty, where parties had transgressed the law of the Church, to refuse this sacred ordinance. What was the consequence? Either the poor man would be driven into the ranks of Dissent, or he would be compelled to remain without the comfort which he would derive from the sacrament as long as he remained in the parish. It was said that parties desirous of contracting these mar-



riages might go before the registrar. But he believed that the feeling was very strong among all classes against having their marriages contracted in the presence of the registrar, and the worst thing that could take place under the law would be that they would be driven to the registrar. But, when these parties had contracted marriages before the registrar, they would not be in a better position in their parish with regard to their minister. They would be left in the same unhappy and melancholy position, and in every respect his right hon. and learned Friend's Act would be most mischievous and highly detrimental to the best interests and feelings of society. Under all these circumstances, he (Sir F. Thesiger) felt it to be his incumbent duty to resist the passing of this law. He had endeavoured feebly and imperfectly to state the grounds on which he most deeply felt the necessity of resisting. It was probable that many of the grounds of his opposition were not founded in reason, and were capable of being answered; but he entertained them deeply; upon them he ventured to act; and should, therefore, move that this Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

COLONEL THOMPSON said, he thought he could make a correction of one statement or inference which was advanced by the hon. and learned Gentleman who had last addressed the House. In all cases of theological dispute, and this was one, it was always very desirable to know what might come next. Nobody ought to acquiesce too lightly, or presume where an adversary was likely to stop. He had, therefore, consulted the copy of the form for the solemnising of marriages, and he found, that after the question to persons why they may not be lawfully joined together in matrimony, the words which followed were, that "so many as are coupled together otherwise than God's word doth allow, are not joined together by God; neither is their matrimony lawful." Now he submitted that to the most scrupulous man these words, taken together, were sufficient to authorise him to give his answer in accordance with his own opinion, whether the marriage was forbidden by the law of God or not. There was one point so prominent that he would add a few words on it. The hon. and

learned Mover had been asked what reason he could give for not introducing a Bill for legalising marriage with a wife's niece. He (Colonel Thompson) submitted that the question was not what the hon. and learned Gentleman might do, but how many hon. Members would be found to support it. Let the case be tried, and see what would come of it. Where would be found the numerous petitioners for marriage with a wife's niece? Where would be found the clergymen of the Church of England, and other denominations, to state their belief that such a permission would be conducive to the morality of the public? Where would be the multitude of complaints from those who had so married already, and incurred the unpleasant consequences arising from flying in the face of what they thought an unjust prohibition? He submitted that there would be none of these. Therefore, without danger, the case might be left to find its own conclusion when the question was brought before them.

MR. HEADLAM said, that his hon. and learned Friend the Member for Abingdon had made an elaborate argument against the Bill, founded upon the manner in which it was brought before the House, and the class of persons who agitated in favour of it. In answer to this argument he contended that the grievance was one which, from its nature, could not be universally felt, and that those who looked upon it only as an abstract question could not be expected to take very lively interest in it, or to exert great activity in bringing it forward. It was natural that the particular persons who suffered from the grievance should endeavour to obtain redress, and an alteration of the law, on their own behalf, and he did not see any reason to complain of their conduct in so doing. He thought it the duty of the House to consider the case with the utmost impartiality, and not to allow itself to be biassed by any observations upon the conduct of those who sought an alteration in the existing law. Of course, if Scripture did prohibit these marriages, there was an end of the question. It is our duty to act upon the Divine mandate, and all responsibility is taken away from us in so doing; but, if Scripture does not prohibit such marriages, then we have no right to invoke its authority for the purpose of sanctifying our sentiments, feelings, or prejudices. He (Mr. Headlam) denied that Scripture did prohibit them. Indeed, latterly, no one had contended that it did so directly, but ela-

borate arguments were adduced to show that it did so indirectly. These arguments took for their foundation the proposition "that man and wife are one flesh"—a proposition expressive, undoubtedly, of much of truth, but a proposition which would lead to all kinds of absurdities, if taken literally, and carried out to remote consequences. His hon. Friend, feeling the weakness of this argument, said, that if Scripture were doubtful on the subject, then we ought to prohibit these marriages. He told the House that it is the highest wisdom not to permit that which might possibly be opposed to the Divine law. Now, he (Mr. Headlam) differed in some respects from this view. He thought it the duty of the House not to strain the language of Scripture in one direction more than the other. It is true that the language of Scripture, prohibiting things evil in themselves, may be extended beyond the literal meaning. Thus, the commandment "Thou shalt do no murder," is often construed to forbid all deeds of violence. So we are taught that the words "Thou shalt not steal," extend to prohibit all acts of dishonesty. There can be no objection to such an interpretation of passages in Scripture of this description, where the thing prohibited is evil in all its forms; but marriage is a good and lawful thing in itself—a prohibition of marriage is an exception, and we have no right to extend the exception—that is to say, the prohibition of a good thing—further than the language of Scripture, construed strictly, authorises us. Assuming that the authority of the Divine law does not decide the case, then the arguments against the Bill are of a social kind. The first of these arguments is derived from the effect which a repeal of the existing law would have upon the relation of husband and wife during the wife's lifetime. The second argument is founded upon its effect on the relation of a man to his wife's sister after the death of the wife. With respect to the first of these arguments, it is said that if a man may by possibility ever marry his wife's sister, there will be an end of freedom of social intercourse, and jealousy and suspicion will be engendered. He (Mr. Headlam) doubted the truth of this in any case; but the argument is founded upon sentiments and fancies, and is not strong enough to justify us in enacting a prohibition of such a thing as marriage. The argument is utterly unintelligible to the great mass for whom the House is legis-

lating. Conceive a clergyman telling a labouring man desirous of marrying his deceased wife's sister, that he could not do so, not because Scripture prohibited such marriages, but because if human laws permitted them, then the fellow-labourers of the man applying would not be able to treat the sisters of their existing wives with the graceful familiarity now practised. Depend upon it it is no light matter for this House to legislate upon so delicate a subject, on reasons confined to one class, on reasons unintelligible to the great majority. If, then, the House is not justified in such legislation by anything which takes place during the continuance of the marriage relation, what reason was afforded by the circumstances which occurred after that tie had ceased? The advocates of the existing law contended that it was safe and proper now for a wife's sister to come and live with her brother-in-law after the marriage tie had been dissolved by death, but that it would not be safe or proper if the law should be altered. Were hon. Members quite sure that it is safe or proper as the law now stands? He begged to refer to a letter which would be found at page 153 of the Appendix to the report of the Commissioners on the Law of Marriage, which had made a great impression upon his (Mr. Headlam's) mind, and the whole of which deserved attentive perusal. It stated the case of a brother-in-law who had taken his deceased wife's sister to live with him. One passage of the letter was as follows:—

"What I wish especially to impress upon your mind is this, that the fact of my taking my wife's sister to live under my roof was exclusively owing to the law, which, by forbidding our marriage, alone rendered such co-residence possible. And yet from this fact has followed, by natural sequence, all the rest which has made the wretchedness of the last five or six years of my life, and must make the misery of the residue, if this law remains unchanged. The law invites a man little more than thirty to take his wife's sister to his home, to soothe his sorrow, to watch over his children, and then, when the natural result of this intimate society and sympathy follows, it turns round upon him and tells him he must be content to live a life of torture, or that he must deprive his children of that benefit which the law professes to secure them."

Parties were exposed to live in this manner for years and years, suffering the torture of blighted affections, or to do that which must degrade them in the opinion of society. With such examples brought before them, he had no hesitation in saying that no brother-in-law could be advised to

take his deceased wife's sister to live with him. The danger under the existing law is even greater than it would be under the proposed change. If the law were repealed there would be a violation of the customs and nice feelings of society in the case of a brother-in-law living with the sister of his deceased wife, but there would not be a danger of those direful evils hinted at in the letter he had read. Hon. Members might say that this was an exceptional case; but they should recollect that every man who was influenced by such feelings was disposed to hide them in the innermost recesses of his own breast, and therefore it was impossible to say how many cases of this kind might exist. No man could say how many of such cases existed. It may be that the very instances which hon. Members think are proofs of the good effects of the existing law, are, in reality, cases similar to that of the writer of this letter, where, under a smooth surface to the world, thoughts and passions the most bitter are concealed. Every hour this discussion continued, the greater difficulty would they find in securing obedience to this law, because additional arguments would be furnished for violating it. When the law relative to marriage is based upon Scriptural authority, and in conformity with the feelings of mankind, it will be strong to promote religion and morality, but without such foundations a law restraining marriage will be weak as cobwebs to control the strong passions of mankind.

MR. W. P. WOOD said, that it was not without some degree of difficulty that he had brought himself to address the House upon this subject. On a former occasion he had felt overwhelmed by the extreme delicacy and difficulty of this inquiry, involving questions on which it was most embarrassing to enter, relating to the male and female portion of the community, independently of the question of Divine authority, the solution of which was complicated by the difficulty of dealing in that House with the real interpretation of portions of Scripture. The difficulty of the question had, however, been removed in a great measure by the tone and temper in which it had been treated by the right hon. and learned Gentleman who had brought forward the measure. And the right hon. and learned Gentleman had, by the frame of his Bill, further removed some portion, though not the whole, of his objections, and on that account also

he had the less embarrassment in approaching the discussion of the subject. It had been rightly said, that every Christian and every Member of that House must form in his own mind the conclusion whether it was contrary to the divine law that a measure of the kind introduced by the right hon. and learned Gentleman should be adopted by the Legislature. He admitted that it was a matter for every hon. Member's individual conscience; but at the same time it was a matter so serious that he was persuaded it was impossible for any one to come to a conclusion on the subject until it was settled, not whether the matter was doubtful, but whether the divine law was so clear that he was at liberty to vote for an alteration of the law now standing on the Statute-book. However, although he might think individually that there was a direct prohibition against a marriage of this description, that did not prevent him from arguing the question upon general principles. He wished, therefore, in the first instance, to argue it as if there were not the slightest indication of the revealed will of God on the subject. For he did not think that because he might entertain clear opinions of the truth of Revelation, for instance, that he was therefore incompetent to admire the arguments produced by Paley in his *Natural Theology*, or that the still more striking treatise of Butler's *Analogy between Divine and Natural Religion*; and so he was not disqualified from entering into a consideration of those moral arguments which he thought ought to have their weight with the House in reference to this question, wholly independent of any question of divine prohibition whatsoever. He had heard a very strange argument brought forward, that the whole onus of proving from Scripture the necessity of continuing the existing prohibition, rested on those who supported the law. It was said that marriage was in itself lawful, and therefore it was necessary to show that the marriage of a deceased wife's sister with her brother-in-law was prohibited by the law of God, and that, if it could not be shown to be so prohibited, it ought to be allowed. If that argument were correct, what were they to say of the ancient nations of antiquity, who had their own views of the propriety of certain marriages, and yet had no revealed law of God to guide them? Did any man mean to contend that when they said that a man should not marry his daughter, or a son his mother, that there

was any abridgment of natural liberty? He thought there was a common feeling which carried along the nations of antiquity, who had no such light to guide them as we have, to the conclusion that there were some marriages which were proper to be prohibited by the civil law and institutions of the country, even without a direct revelation of the will of the Creator on the subject. They all knew that such laws did exist in every nation of antiquity, and they found that just in proportion as any one of those nations was distinguished for its morality, in the same proportion were these prohibitive laws the more stringent and decided. This was the case with the most remarkable of the heathen nations of which history had given us any record. The Eastern nations were always less strict on this subject than those of Western Europe. In ancient Persia, sisters were allowed to marry. The Athenians allowed half sisters to do so. But the Romans were distinguished by their sturdy morals no less than by their sturdy valour, and were peculiarly strict both as to the marriages they permitted, and as to the law of divorce, which was a kindred subject. Even to this day we found in the Asiatic nations that wherever the law regulating the intercourse between man and woman was of a low description, the morals of the people were proportionately low. According to the law of the Romans, it was doubtful at one time whether even the marriage of first cousins was lawful. A most remarkable case on the subject, which was related by Tacitus, occurred in the instance of the Emperor Claudius, who was desirous of marrying his own niece—a kind of marriage for which permission is accorded, by dispensation, by one of those Churches which the Protestant Church of England was now called upon to imitate, he meant the Church of Rome. The stern moralist who was the historian of this matter, Tacitus, told us, that for a long time before the Emperor had desired to bring forward this proposition, but that he was afraid of the feelings which it would occasion among the people. The parasites, however, who were about him, told him that this kind of marriage was only opposed by antiquated prejudices, and Claudius accordingly went to the Senate, and addressed to that body much the same arguments as those which had been used by the right hon. and learned Gentleman who introduced the Bill. The report given by the historian of the Em-

peror's speech was couched in the following terms:—

*"Atenim nova nobis in fratrum filias conjugia, sed aliis gentibus solemnia, neque lege ullâ prohibita. Et sobrinarum diu ignorata, tempore addito percerebuisse; morem accomodari potest conducat; et fore hoc quoque in his, quas nos usurpentur."*

The Emperor's argument was, in substance, that the ancestors of the Romans disliked such a marriage as he contemplated, just as the right hon. Gentleman admits that certain ancient councils had a decided objection to the marriage of a widower with his deceased wife's sister; but then it was to be borne in mind that their prejudices extended to the marriage of first cousins; and he suggested that it would be expedient, in a social point of view, to shake off the trammels of these old customs, and to do like other people, as the right hon. Gentleman asks us to adopt the practice sanctioned by other nations, such as Germany, for instance. The Senate assented to this reasoning, and the Emperor accordingly made a marriage which proved most disastrous, for the lady poisoned him. But to be serious—for he thought that the House had entered into a very grave and serious matter—he had never heard in his lifetime, nor read in history, of any matter of deeper interest. Questions concerning political power and pecuniary wealth had been brought before the House, but there was now before it a question which proposed to vary the social and moral position of every home in England. He said social and moral, and not religious, advisedly, for the House would not alter our religious position. No—a unanimous vote would not alter one jot or one tittle of the Divine law, the tremendous responsibility as to which must still be undertaken by those who will contract such marriages. Had hon. Members considered the social and moral position of persons abroad? He did not think that nations, any more than individuals, should dwell upon their own excellencies, or the faults of their neighbours; but when the example of foreign nations was held out to us for imitation, we were driven to the comparison; and he would ask hon. Gentlemen what peculiar advantages they saw in the social or moral position of foreign countries as compared with our own? He confessed that in those which it had been his fortune to visit, there seemed to him to be a singular superiority on our side, which was marked, in



the first place, by the confiding frankness and innocent liberty allowed to unmarried women, and the deep devotion to domestic duties exhibited by the married women of this country. As the English were a more stay-at-home people than their continental neighbours, a greater intimacy took place among the members of the family circle; and if that was so, he thought that when combined with the frankness he had referred to, such familiarity would decidedly tend to a relaxation of morals if the barrier was removed which at present prevented the marriage of a widower with his sister-in-law. He regretted to find it stated in the evidence that in one case parties thus connected by affinity, finding that they could not legally marry, lived in a state of concubinage; and it was added that they were persons of respectability, keeping their carriage, and that their friends did not think the worse of them for what they had done. The test of respectability applied in one very well-known case was "keeping a gig;" here the parties were advanced rather higher in the scale, and "kept their carriage." Then, as to the question about the poor. He had never heard of a single case of this kind among the poor, though he had lived in a parish where there was a good deal of district visiting. In fact, the poor married at so early an age that it was next to impossible for a poor widower to find a sister-in-law unmarried. They had distinct evidence that it was not common amongst the poor. He referred to statistical evidence, and not to that of a private nature. It was in evidence before the Commission that of the 1,500 cases scraped together, not above forty were among the poor. Many gentlemen had written letters to say that the poor wished to contract such marriages; but what was the value of such a declaration without statistical evidence to support it? He had appealed to some of those gentlemen to furnish him with some evidence in support of the assertion, but they could give him no statistical facts in support of these views. He would state a sample of opinion which was not founded on statistics. A medical friend of his wished to make, for a purpose connected with his professional pursuits, a statistical return on an extensive scale. He wished to find out the proportionate number of persons with white hair and blue eyes to others not so marked, as he thought that it would afford him an illustration connected with some peculiar disease. For

this purpose he visited several schools throughout the country, as well as those in London, and he found the number was very different in some districts from others, and the proportion varied very much throughout the whole of the country. He found by experience he could go into a London school, and could tell to a fraction out of the number of scholars how many had white hair and blue eyes, but on investigation he found how erroneous the calculations of others were without statistics. He asked the master of one school, in which there were 800 scholars, what was the proportion of children in it with white hair and blue eyes. The reply was, "He could tell in a moment: he thought about one-half." His friend said that he believed there was about one-seventh, but he could not tell the number before he had counted them. On their proceeding to count them they found that there was not one-tenth. This, he thought, was a valuable instance of opinion as contrasted with statistical evidence. Now, he believed there were very few instances of marriage with a deceased wife's sister among the poor. He had taken some trouble to ascertain the fact in that parish (St. Margaret's, Westminster), in which there were 20,000 inhabitants. He had not relied on his own knowledge of the poor, but had requested two persons, who were employed by the clergy and by lay persons connected with charitable institutions in the district, to go round and make inquiries on the subject. He believed these persons had had considerable experience in investigations connected with the poor; and the result of their inquiry was, that they found one case of a man married to his deceased wife's sister; and that man was looked down upon by all his neighbours. They also found two instances of men living with their deceased wives' sisters. Such was the result of the inquiry in a metropolitan parish containing upwards of 20,000 inhabitants. They had been told that the proportion of such marriages was forty in 20,000 persons, but the result of inquiry showed that it was only one. The fact is, the poor are very tenacious of impressions generated by long habit and a settled state of law. The impression which appeared to be made on the minds of the poor was, that such a marriage was incestuous: he did not wish to use an offensive expression, but such, he believed, was the view in which they regarded it, and more espe-



cially in Scotland. Marriages of this kind were more common among the higher than the lower classes; for, as regarded the former, luxury in a certain degree led to this relaxation of morals. He had asked what evidence they had as to the extent of such marriages, and the only evidence he had seen showed that such marriages were, in the great extent, confined to the middle classes, who were sufficiently well off to induce them to adopt this relaxation of morals. But allowing the number of cases which had been alleged, still it was a small number to justify them in making such an alteration in all the homes of those who did not wish to have this change carried into effect. They had also left out of view the opinion of the large body of the women of England. They had heard of petitions from men in favour of the change, but they had forgotten the memorial which had been most numerous signed by women, and which had been presented to Her Majesty, praying Her to withhold Her sanction from such a change in the law, and they had never heard of a counter memorial having been got up on the subject. Men did not need protection for their virtue, but females did require that protection should be cast round them. Sisters-in-law required protection in the situation in which they were so peculiarly circumstanced; therefore, they should continue to them that protection which they had enjoyed ever since this Christian country existed. He had hitherto been induced to deal with this subject altogether distinct from the religious question, but he felt bound to make a few observations on it. His hon. and learned Friend the Member for Abingdon had said that it would be desirable to have some expression of the opinion of the Church, by convocation, or by some general assembly, on this subject, if it could be obtained. But how would they bind Dissenters by any expression of feeling on the part of the Church? He thought, however, a most unfair view had been taken of this question by some of the supporters of it. It had been said that it was opposed by one party, and only one party, in the Church; and, by assigning a nickname to them, an attempt was made to cast obloquy on them, and it was said they were inclined to the Church of Rome. Now, if ever there was anything opposed to the Church of Rome, it was the doctrine opposed to such marriages. It was peculiarly a Protestant interpretation of the matter. Such marriages were introduced as an innovation of the Church

of Rome. Reference had also been made to the interpretation which a certain Rabbi had put upon the text in Leviticus, and much reliance had been placed upon the declaration of the Talmudists, that a man might marry with his deceased wife's sister. Now, they never heard the opinion of the Talmudists quoted on any other subject, and he did not know why it should be in this instance. The opinion of Bishop Wiseman—a Roman Catholic bishop, as it observed—had also been referred to, to which the same observation might apply. The Sermon on the Mount gave a wide interpretation of every commandment, and it was to the spirit of that, not to the Talmud, that they should look for the interpretation of the passages in Leviticus. He did not think that it was a light matter, on such authority, to make such a change. Such a thing never was allowed in the Christian Church until the Church of Rome became dominant. The right hon. and learned Gentleman the Member for Bute said he could not find any earlier prohibition of such marriages than the fourth century; but he (Mr. Wood) would ask whether it was in the slightest degree probable that such marriages were attempted in the early period of Christianity? St. Austin and St. Athanasius declared such marriages were forbidden. Some of the most noted dispensations on record for this description of marriage were granted in 1495 by Alexander VI., who was one of the greatest monsters that was ever at the head of the Roman Church, and who had been guilty of incest with his own daughter. The Gallican Church, which was more free from the influence of the Church of Rome than the other portions of the Catholic Church, as long as it stood on its privileges, refused to receive and rejected the authority of all such dispensations from Rome in favour of such marriages. In 1683 the case of a marriage of this kind by a person of the name of Le Vaillant was brought before the Parliament of Paris, and the question was again revived, in the case of the Marquess de Sailby, before the same tribunal in another case in 1721; and the Parliament of Paris, after much deliberation on the subject, determined that the dispensation of the Pope for such marriages could not be allowed, and declared such marriages to be illegal. Look, again, at the Church of Scotland; would any one tell him that it was at all inclined to Puseyism, or had any affection for the Church of Rome? and that

church was unanimous in adhering to their opposition to the legalising such marriages. Grotius, Basnage, and many others of the most learned jurists, had declared that the doctrine of the legality of marriages within such degrees of affinity could not be authorised by any sanction. It had also been said that a great number of the clergymen of the Church of England were in favour of this measure. It was stated that 700 clergymen had expressed themselves as being favourable to the Bill; but it should be recollected that there were 15,000 clergymen in the Church of England. He had observed one provision made in the Bill which was not in the previous measure, namely, that the Church should not be interfered with in any way by this Bill. But was it fair to leave their sisters and daughters in such a situation that they might be liable to contract dubious marriages, and that they could not be sure that it was one that the religion they professed would sanction? He trusted for these reasons the House would pause before it made a step downward from the high moral position which this country had so long enjoyed, for this measure must be followed by another to sanction marriages between a man and his deceased wife's niece or his own niece, and, indeed, in all other degrees of kindred and affinity for which dispensations were now granted by the Church of Rome.

MR. A. HOPE moved the adjournment of the debate.

MR. J. S. WORTLEY said, that as he understood the right hon. Gentleman the Speaker had duties to attend to elsewhere, he should at once accede to the Motion of his hon. Friend for an adjournment. He did so the more readily, as it was clear they could not get through the discussion on that day; but he trusted that he should be able to bring it forward next Wednesday. The Bill of the hon. Member for Oxford respecting affirmations stood for that day, but he believed there would be no objection to agree to the second reading, and to take the discussion on the principle at a future stage.

MR. W. P. WOOD had no objection to agree to the arrangement.

Debate adjourned till Wednesday, the 6th of March.

The House adjourned at a quarter after Four o'clock.

## HOUSE OF LORDS,

*Thursday, February 28, 1850.*

MINUTES.] PUBLIC BILLS.—1 <sup>a</sup> Masters' Jurisdiction in Equity; Commons Inclosure.  
2<sup>a</sup> Party Processions (Ireland.)

### PORT PHILLIP.

LORD MONTEAGLE presented a petition from lessees of land in the district of Port Phillip, in which the petitioners stated that the elective franchise was at present too restricted by the incorporating Act, the qualification being the possession of freehold property to the value of 20*l.* a year, or of personal property to the value of 200*l.*; the consequence of which was, that the vast and increasing interests of leaseholders, and what were called "squatters," and professional persons, were left wholly unrepresented. This question became more important, in consequence of the new constitution and the separate government that was about to be given to the colony. The petitioners stated that they had read a despatch from the noble Lord the Secretary for the Colonies, in which he mentioned the form of government about to be given to them. That announcement they had received with the utmost gratitude for the liberal spirit in which the plan was drawn up, and with the greatest anxiety that it should be brought fairly into operation. It was scarcely possible to conceive anything more rapid than the improvement of the colony of Port Phillip. It was founded in 1836; there were not more than thirty inhabitants in Melbourne in that year; Melbourne now contained 10,000 inhabitants and 2,000 houses, and the property was rated at 50,000*l.* a year; whilst the returns showed that the exports in 1846 were to the value of 640,000*l.* He (Lord Montague) would take that opportunity of asking his noble Friend—not for the purpose of anticipating the discussion which would take place when the Bill came formally before their Lordships, but merely to ascertain the fact—whether he was in possession of any despatches from New South Wales, or any other of the Australian colonies as to the manner in which the announcement of the proposed Australian Colonies Government and Constitution Bill was received by the colonists? It was a strong ground of objection, when the former Bill upon the subject was before the House, that no sufficient information as to the opinions of the colonists was before their Lordships; and he hoped there would not

be the same ground afforded again. He had the strongest objection to a single chamber, unless it was carefully controlled, and he should wish much to know what the opinions of the colonists themselves were with regard to it. He knew that his noble Friend had sent over to the colony a copy of the Order in Council; but he had seen no despatch as yet from the colonists in which their views were stated. He wished to know, therefore, whether any such despatch had been received, and, if not as yet, whether the House would be put in possession of such information before it should be called upon to give its opinion upon the second reading of the Bill?

EARL GREY replied, that he had received no official information as yet from the Australian colonies, as to the manner in which the plan of the new constitution had been received. The news which he had had was extremely scanty. None of the Governors of the colonies had acknowledged as yet that they had received the Circular Order which had been addressed to them, or the report of the Privy Council on which the proposed constitution was founded; and their communications, so far as they had extended, had been laid upon the tables of both Houses of Parliament. But although the official despatches had not been received at the dates of the last accounts, a statement of the intentions of Government had appeared in some of the local newspapers, and had formed a subject of considerable discussion amongst the colonists of all grades, and the announcement seemed to have been generally received with great satisfaction by them. The Governor of South Australia, Sir Henry Young, and the Governor of Van Diemen's Land, Sir William Denison, although they had not received the official despatches, had both mentioned the fact of the announcement having reached the colonies. Sir Henry Young had merely mentioned the matter in a private letter to a friend, and from that it appeared that the plan had been very favourably received. Sir William Denison mentioned it in only a single line in his despatch, saying, that although they had not as yet received the official details, the plan appeared to be very favourably received by the colonists. This, however, he (Earl Grey) would say, that whatever information might be received by Her Majesty's Government, they would have great pleasure in laying it upon the table of the House in time to make it useful during the discussion. The

petition presented by his noble Friend was one which deserved deep and grave consideration. The parties whose signatures were affixed to it were of great respectability, and the grievance which they pointed out a very real and a very substantial one; but it was one which he (Earl Grey) did not think was capable of being dealt with in this country. It was a grievance that should be removed in the colony by the colonists themselves, and through the means which the Government proposed to furnish them with. Those Gentlemen complained that whilst the pastoral interest was a great source of wealth to the colony, the residences were too remote, and the number too small, to enable the possessors of the franchise to exercise their privilege with advantage; and they wished to have the right of voting considerably extended. But it was obvious that in the absence of correct local information, it would be impossible for the Imperial Parliament to lay down fitting electoral districts in which the increasing population should be properly arranged, as entitled to settle representatives to the Council. If Parliament made laws of that description, they would be risking the inconvenience of creating too much or too little local influence. The minute local information necessary for such a scheme was entirely wanting; and that was one of the reasons for adopting the form of Bill which was recommended by the Committee of Privy Council. Such of their Lordships as had given their attention to the subject were aware that the principle upon which that report was founded, was that of leaving things as nearly as possible as they were already; but at the same time providing for the gradual extension and alteration of the institutions so created, as to meet the growing wants of a rapidly increasing society. That, he believed, was the only principle that could be safely or advantageously adopted; and it was one which the colonists themselves, he was happy to see, considered to be most advantageous for them under all the circumstances of the case.

#### ECCLESIASTICAL COMMISSION BILL.

The MARQUESS of LANSDOWNE then moved, "That the report of the Amendments made on the Ecclesiastical Commission Bill be received."

EARL WALDEGRAVE objected to the 15th Clause, which, as amended by the Bishop of Salisbury, enacts that the in-

come of the Dean of York should not exceed 2,000*l.* a year, and that the incomes of the Deans of Chichester, Exeter, Hereford, Lichfield, Salisbury, and Wells, should not exceed 1,500*l.* a year, and stated that all the bishops had voted in favour of the clause.

The BISHOP of ST. ASAPH said, that the noble Earl was wrong in stating that the whole of the bishops present had voted for the clause as it stood. And he begged further to say that he (the Bishop of St. Asaph) had never made any complaint at all with regard to his income having been reduced to 4,000*l.* a year. On the contrary, he thought it was a very right measure. What he complained of was, that his income was reduced to such a degree that he was unable to provide spiritual assistance for certain places in his diocese for which he would have been most anxious to provide had his means permitted. They might depend upon it, that the real efficiency of the Church would never be promoted by any attempt to draw a line between the working clergy and the dignified clergy. He was sure there were no men in the kingdom who worked harder than the bishops. They might be well classed among the working clergy; and he believed that the reason why the Church did not work still more efficiently in England was, that it had not a sufficient number of field officers, if he might so term the prelates of the Church. He should not, however, offer any further observations on the subject at present, as he would have other opportunities of doing so.

The BISHOP of CHICHESTER observed, that his right rev. Brother, in moving his Amendment on this clause on a former night, had stated that the right interpretation of the former Act on this subject would have left to those on the old foundations the power of receiving their former emoluments, and had argued that the intent of that Act ought not to be interfered with by a Bill of which the only object was to remodel the Commission. He considered that it was not for the good of the Church that all the prizes of the Church should be withdrawn from it, and that there should be an uniformity of payment established for all its subordinate members. Advantage was gained to the Church by leaving inequalities among its members.

Amendments reported.

Further Amendments made.

Bill to be read 3<sup>d</sup> on Monday.

#### PARTY PROCESSIONS (IRELAND) BILL.

The MARQUESS of LANSDOWNE moved the Second Reading of the Party Processions (Ireland) Bill. He said that as the Bill was one of considerable importance, and as it was of a restrictive nature, he did not think it would be proper for him to ask their Lordships' concurrence in it without stating in a very few words the reasons which had induced Her Majesty's Government to submit it for the consideration of Parliament. At the same time, having every reason to hope that this Bill would meet the unanimous approbation of their Lordships, as it had already received the unanimous approval of the other House of Parliament, it was not his intention to occupy their Lordships' time for more than a very few moments. Their Lordships were aware that in 1832 it was found necessary, in consequence of disturbances that had taken place at these processions, and the effect which they were found to have on the peace of the country, to introduce an Act for the suppression of all party processions in Ireland. That Act had been renewed from time to time, but it had been allowed to expire in 1845. It certainly was the intention of Government to introduce another measure in 1846; but so earnest a hope had been expressed by various parties that no such a Bill would thenceforth be found necessary, and that the state of the country was such as to admit of the disuse of such a law, in consequence of the improved good temper and good feeling which were beginning to prevail, that under these circumstances the matter was allowed to stand over to another time. But though he did not propose on this occasion to imitate the example of those, whether Roman Catholics or Protestants, who had been the authors or abettors of proceedings calculated to produce irritation and animosity between Her Majesty's subjects—though he did not intend to avail himself of this occasion to recall to their Lordships' attention anything that could awaken angry feeling, or renew differences of opinion—he wished to allude generally to the state of Ireland; to the inflammable nature of the feelings of the people in that portion of the united kingdom, produced as it had been by various causes, and liable as it was to be still called into action, inducing excited partisans heedlessly “to rush in where angels fear to tread;” and he was sure that, aware as their Lordships were of the prevalence of these feelings, they would at



once concur in the propriety of passing this Bill into a law. The fact was, that so long as facilities existed in Ireland for celebrating, and more than celebrating, these party anniversaries, so long would that country be left open as an arena in which every passion—every absurd prejudice and feeling were brought together. By this Bill it was proposed to close the field against such displays. It did not differ materially from the former Bills, at the same time that it was somewhat more comprehensive; and unlike the former measures no period was prescribed at which the Act would terminate. If the period arrived when it would be found no longer necessary to continue in Ireland an Act which was not required in this country, the Government would no doubt be willing to consider the propriety of repealing the Act; but for the present he thought it much better that men's should not be unsettled by knowing that there was any fixed period whatever after which the old system of party processions could be restored.

LORD BROUGHAM said, he entirely agreed in the propriety of having this Bill a permanent measure. He should at the same time like to know whether the prohibition was intended to be confined to armed processions. He thought that it would be much better to prohibit all processions whatever that tended to lead to breaches of the peace. The only processions that he would wish to allow were those at funerals.

The MARQUESS of LANSDOWNE was understood to answer in the negative.

The EARL of ELLENBOROUGH briefly explained the provisions of the Bill. It prohibited armed processions, but not all processions. It prohibited processions with firearms and other offensive weapons, and with party badges, flags, and symbols, and with music playing party tunes, calculated to provoke animosity between different classes of Her Majesty's subjects; but it did not prohibit processions without arms or badges, or with inoffensive music. Under this Bill the Orangemen might again meet on the 12th of July, provided that they met without arms or badges, and with bands of music not playing such tunes as the "Boyne Water," or "Crop-pies lie down," but such tunes as "See the conquering hero," &c. He should be very happy if he could indulge in the sanguine expectations of the noble Marquess as to the success of this measure. He

admitted that, when a similar measure was in existence, no Orange processions and no Riband processions were ever attempted. He hoped that the same result would be accomplished now. He thought that the unfortunate events which occurred at Dolly's Brae were a sufficient justification for the introduction of this Bill. He regretted, however, that the noble Marquess had not gone further into the details of it, in order to show the manner in which it differed from the Act which expired in 1845. This Bill created two misdemeanours. The first consisted in being present at a meeting or procession rendered by this Bill unlawful, and for that the person offending might be punished by indictment. The second consisted in not dispersing when the magistrates, after declaring its illegality, had ordered the meeting or procession to disperse, and for that he might be proceeded against in a summary way before two justices, and, being convicted, might be punished by a fine not exceeding 5*l.*, or by imprisonment not exceeding one calendar month. In the Act of 1845 the magistrates had no option as to the extent of the imprisonment, therefore that Act was more stringent than the present. There was another point in the Bill which he must not pass over unnoticed, as he entertained some doubts about it. With regard to the second misdemeanour, no option was left to the magistrate; he must declare the meeting illegal, and after declaring it illegal, he must order its dispersion. Now, it was evident that there might be circumstances in which it would be inexpedient to disperse a meeting decidedly unlawful. There had been such meetings in England, aye, and in this metropolis too, in which he thought that the Government had exercised a sound discretion in not dispersing them, though notoriously illegal. He thought that the magistrates had acted rightly in not dispersing the two assemblies at Dolly's Brae; for to have attempted the dispersion of both would have led to a grand *mêlée*, and would have terminated in a greater sacrifice of human life than had actually taken place. In this Bill, he repeated, that the magistrate had no option, for it was obligatory on him to declare the meeting unlawful, and to disperse it. Now, if the magistrate had not a sufficient force with him to disperse it, he would only be bringing the law into contempt by issuing an order which he could not enforce. The last clause in the present Bill was not in

the Act which had expired. It provided, that any person who should have been proceeded against in a summary way for not dispersing within a quarter of an hour after the reading of the notice to disperse, should not be indicted likewise for a misdemeanour for having been present at the unlawful assembly; but if he had not been proceeded against in a summary way, he might be indicted. Now, the unlawful act consisted in being present at such an assembly. The person ordered to disperse had committed a misdemeanour in being present, and for being present he might be liable to a greater punishment than for refusing to disperse. The question would therefore arise in the mind of such a man whether it was not better to disobey the notice and remain on the ground; for if he were punished summarily for the misdemeanour of not dispersing, he could not have more than a fine of 5*l.* or a month's imprisonment inflicted upon him; whereas, if he were indicted for being present at an unlawful meeting, he might be sentenced to a heavy fine and to imprisonment for 12, 16, 18 months, and even longer. He therefore thought that this clause should be more carefully considered. These meetings, besides, though unlawful under the Bill prohibiting meetings with arms and objectionable badges, banners, and music, might also be unlawful at common law from the great numbers composing them. He thought that nothing in this Act contained should prevent the proceeding at common law also against a person who might be punished summarily under this Act. He believed that as the Act stood, it would still be open to the Government so to proceed. But it was a matter lawyers might make speeches about, and juries might differ about, and it would be far better to render it clear by a proviso saving the common law.

The EARL of ST. GERMANS said, that the Bill of 1832, introduced by his noble Friend (Lord Stanley), was considered to apply only to the Orangemen, and to processions held on particular festivals, and much complaint was expressed at its not being applicable to the monster meetings held by the Repealers. The present Bill was also not intended to apply to all meetings and processions; and he believed that if the Ribandmen met on the 17th of March next, they might march legally through the country, provided they did so without arms, or banners and music, calculated to excite hostility among different

classes of Her Majesty's subjects. He did not think that the phrase "different classes" was one that ought to be used in the Act. It was usually applied to the higher and lower orders, whereas, in the present instance, it was evidently intended to mean persons of different religious persuasions—a construction which he thought could not be properly put upon it. He thought the phrase "different religious persuasions" used in the former Act much preferable. As the Bill now stood, two meetings, one having "Free-trade," and the other "Protection," on their banners, would both be illegal—a construction which was clearly not intended to be conveyed by the Bill.

LORD CAMPBELL collected that their Lordships were agreed on the necessity of a Party Processions Act, and that the common desire was to make it as effective as possible. It did not at present appear to him that any alteration would be necessary in this Bill, but all that had been said should be fully considered before it went to a third reading. It was framed almost entirely after the model of an Act which answered the object in view from 1832 to 1845. It was intended that with perfect impartiality processions of all sorts tending to produce a breach of the peace should be prohibited. It would be difficult to introduce words more stringent than those inserted in this Bill, without including processions altogether innocent, such as of a school or a temperance society. He apprehended that upon the true construction of this Bill a magistrate would be justified in not interfering with an assembly if he considered that it would tend more to the preservation of the public peace that he should not interfere. The clause preventing a person from being proceeded against both for a misdemeanour for being present, and in a summary way for not departing after command, was necessary to protect the subject from a danger to which he ought not to be exposed.

The EARL of ELLENBOROUGH still thought, in regard to the former point, that the language was imperative upon the magistrate; and, as to the latter, that the punishment annexed to the double offence of being present and not departing within the time limited, ought not to be lighter than the punishment for merely being present.

LORD CAMPBELL had no doubt that those who had to administer the law would see that the punishment awarded was just.

The EARL of ENNISKILLEN did not rise for the purpose of saying a word against the Bill, but merely to express a hope that temperance processions might not be left out. He feared that advantage would be taken of the omission.

The EARL of RODEN did not wish to say anything against a measure the object of which was to put an end altogether to party processions in Ireland. All he should say was, that if the Bill had been the same as that of 1845, he would have given it all the opposition in his power, because that was a one-sided measure, affecting only the anniversaries of the Orangemen, while the opposite party were left to act as they thought fit. He thought that the Bill could not be made too stringent, as his firm belief was, that no procession could be formed in Ireland without its eventually becoming a party procession. He did not know to whom the noble Marquess's quotation, about fools rushing in, applied; but, if it applied to the Orangemen, he could only say that such language was not held by Her Majesty's Government in 1848, when the Orangemen ranged themselves in procession on the side of law and order. Of the present measure he had nothing to complain, and he felt sure that the Orangemen would be the first to give it effect, by refraining from those processions which they had so much enjoyed and so frequently indulged in.

LORD MONTEAGLE thought it an important object that the Bill should be as comprehensive as stringent; if the words used were not sufficient to embrace all phases of an evil, it would inevitably spring up in some shape. With relation to temperance processions, there was no one evil connected with political or party processions that was not capable of being revived under that title. He spoke not only prospectively, but as a witness, in reference to what he had himself seen. With the Irish peasantry, in this as in other matters, the certainty of punishment was one of the great objects to be aimed at in the suppression of crime. He hoped the Bill might be successful, but as to the peace of the country, he doubted whether it could be attained, so long as the possession of arms by the peasantry was left wholly without restriction, without regulation, and without protection to the peaceful inhabitants. He was not now suggesting extreme or unconstitutional measures, but he must say that the possession of arms by the peasantry, whether the man was a dis-

turber of the peace, or a faithful subject of the Crown, was equally dangerous. In the one case it brought down vengeance on him for keeping arms in his own defence; in the other it became the instrument of crime in his own hands or those of others. He thought, however, an Arms Act, to produce all the good effects that might be expected from it, should be permanent, and not annual.

The MARQUESS of CLANRICARDE thought the question of an Arms Act one of the most difficult that could be mooted. On different occasions these Acts had been proved an intolerable restriction, and injurious to well-affected persons, whilst arms were found in the possession of those who ought not to have them. Another difficulty was the disinclination of people of all classes in Ireland to execute an Arms Act. He believed that the Act introduced by the noble Earl opposite, when a Member of the late Government, was very well framed; the failure of it was not due to the manner in which it was framed, but to the inertness of the magistrates who ought to have attended to it. In short, it was not in accordance with the feelings and wishes of the community, and therefore was not put in force. He was in a condition to show the number of troops and stipendiary magistrates sent down to the north of Ireland to a very considerable amount on the anniversary of July, 1848, and their Lordships would at once see that the obligation which the Irish Government thought incumbent on them to provide against breaches of the peace in the north of Ireland, led to a serious diminution of the amount of force at their command in other parts of the country. If any credit was to be given to any portion of the Irish of any class, for any degree of common sense, he did not think that the objections which had been taken against this Bill would be found valid in practice. If there were any discretion left, either at common law or under this Bill, he could not think there would be those means of escape to persons committing misdemeanours which had been apprehended. It was impossible to make an Act so stringent that some way would not be found of eluding it; but this Bill was directed against all party processions indiscriminately, and not one could take place without its being brought under the operation of the law—for a temperance society to have a procession would at once bring it under the Act.

The EARL of GLENGALL thought

there would be no difficulty in passing an Arms Act. He wished to see the nature of the different sorts of processions more clearly defined in the present Bill.

The MARQUESS of LANSDOWNE did not think the Bill required any material amendment, but the suggestions made would be carefully considered.

Bill read 2°.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, February 28, 1850.*

MINUTES.] PUBLIC BILLS.—1° Landlord and Tenant; Railway Traffic; Titles of Religious Congregations (Scotland).

### CEYLON.

SIR GEORGE GREY reported—

“That their Address of the 20th day of this instant February, for the appointment of a Commission to inquire into the circumstances relating to the Documents presented to the Ceylon Committee, on the 14th instant, with the name of Captain Watson attached to them, and to which his evidence laid on the table of the House refers, had been presented to Her Majesty :—And Her Majesty had commanded him to acquaint the House, that She has given directions accordingly.”

### ENCROACHMENTS ON THE ROYAL PARKS.

VISCOUNT DUNCAN inquired what steps had been taken by the Woods and Forests Commissioners to enforce the provisions of the lease, with regard to the prevention of encroachments on the Green Park in the case of the Earl of Ellesmere’s mansion, and whether the garden walls of that mansion recently erected next the park and encroaching thereon, had been built with the knowledge and permission of the Commissioners?

MR. HAYTER replied that there had been no encroachments in the case of the gardens to which the noble Lord referred. No doubt there had been an alteration in the garden itself introduced by the architect in the erection of the ornamental walls which had been built to give it an Italian character. That erection was no encroachment, though it was inconsistent with the covenants of the lease, and on the Commissioners of the Woods and Forests being made aware of it they directed their architect to communicate with the architect of the Earl of Ellesmere, to arrange with him for the removal of the erection in question.

It had not yet been removed, but the two architects were in consultation on the subject, and there was no intention, he believed on the part of the noble Earl, and certainly none on the part of the Woods and Forests, to act inconsistently with the covenants of the lease.

VISCOUNT DUNCAN said, he would then beg to inquire as to certain rumoured encroachments in Greenwich Park, referred to in a letter in a morning paper of Saturday last. His question was whether any part of Greenwich Park was about to be encroached on to provide residences for the Commissioners of Greenwich Hospital, or for any other purpose?

MR. HAYTER was much obliged to his noble Friend for putting the question, because he hoped the answer he should give would allay all apprehensions on the part of the inhabitants of Greenwich that there was any design or intention on the part of the Commissioners of Woods and Forests, or the Commissioners of Greenwich Hospital, to interfere with their comforts or their property. The Commissioners of Greenwich Hospital had recently been carrying out certain improvements, by which they believed the duties of the hospital and the comforts of its inmates might be considerably improved. In the course of those improvements they designed to erect certain buildings on a portion of the property which belonged, not to the Commissioners of Woods and Forests, but to the Commissioners of Greenwich Hospital, and it was suggested that a small ornamental garden, facing the park, should be added to the houses so about to be built. That portion of the park was under the control and management of the Commissioners of Woods and Forests, and at first they gave their assent to the proposed alterations, but on a representation being made to them by the inhabitants of the opposite houses that the buildings about to be erected would interrupt their view of the park, and their property be interfered with, their remonstrances were considered by the Commissioners of Woods and Forests and the Commissioners of Greenwich Hospital; although the latter commissioners had a perfect right to erect the buildings in the way they had contemplated, yet, in deference to the opinion of the public and the inhabitants of the neighbourhood, and believing they could procure the accommodation they required elsewhere, without interfering with the comforts or deteriorating the property of anybody, they resolved to



abandon their original intention, and erect the houses not on that but on a different spot.

MR. BARNARD begged to thank the hon. Gentleman for his most satisfactory answer.

Subject dropped.

#### WESTERN AUSTRALIA.

SIR W. MOLESWORTH said, he had given notice of his intention to put a question to the hon. Under Secretary of State for the Colonies with regard to the government of Western Australia, but as it referred, in some degree, to a matter of law, he would put it to the hon. and learned Attorney General. He wished to know whether at the present moment there was any legal form of civil government existing in the colony of Western Australia, and if so by virtue of what law, and under what authority such form of government was constituted? He would, with the permission of the House, explain in a few words the meaning of his question. In the year 1825 certain persons formed a settlement in that colony—they did so with the consent of the Crown, according to the reports of the Committee of Privy Council on such settlement. The Royal prerogative could constitute that form of civil government only in which a legislature formed in part of the representatives of the people should be a component part; and to dispense with this form of government an Act of the Legislature was necessary. In 1829, accordingly, an Act to make temporary provision for the government of that colony was passed, and under that Act the Crown was empowered to appoint certain persons to make laws and regulations for the administration and government of the colony. The powers of that Act of 1829 were continued by subsequent Acts, passed from time to time, down to December, 1848, and to the end of the then next Session of Parliament. That Act not having been renewed, expired on the 1st of August, last year, and the powers of the Legislature, established under that Act, had likewise expired; and if the persons composing that legislature had, since the 1st of August, 1849, passed any laws or ordinances—for instance, as the appropriating of any public money—such laws or ordinances would be illegal, as would, of course, all acts done under any of them. What he wished to ask was, first, whether the Act in question had been intentionally permitted to expire or not; and if intentionally,

whether the persons who were now governing Western Australia had been told that their powers would expire on the 1st of August; and if not, whether any measure would be introduced by the Government during the present Session to indemnify them for any illegal acts they might have committed in acting in the civil government of the colony after the expiration of their legal powers. Also whether any provision had been made for the civil government of Western Australia for the future, and, if so, what was the nature of such provision, and under what law and by what authority had it been made—whether, under an Order in Council, representative institutions had been given to the colony?

The ATTORNEY GENERAL observed, that the hon. Baronet had excused himself for not putting the question to his hon. Friend the Under Secretary for the Colonies, on the ground that it referred to a matter of law, but he had gone on to put a series of questions connected with the government of the colony of which he (the Attorney General) could know nothing. He would simply, therefore, confine himself to answering the legal point. Unquestionably the Act of Parliament, 10 George IV., c. 22, expired at the end of the last Session; but notwithstanding that—and whether it expired intentionally or unintentionally, as he was not cognisant of the intentions of the Government on the subject, he could not say—but, notwithstanding such expiry, there was still a legal government existing in the colony of Western Australia, because that Act gave authority to the Government of this country, by an order of the Sovereign in Council, to constitute a government from time to time. Under that power the present government of the colony had been formed and continued, the Crown having no power to alter the form of government without the assent of Parliament; but having constituted a government under the authority he had stated, that government still existed in Western Australia.

MR. ADDERLEY: Do the powers given the government of Western Australia under that authority include the powers of taxation?

The ATTORNEY GENERAL: If the hon. Gentleman had given me notice of his intention, I might possibly have been able to answer him more satisfactorily; but according to the best of my recollection, the authority vested in the Crown by the 10th

George IV. c. 22, was to provide for the peace, order, and good government of the colony; and it has always been held that taxing is a part of good government.

#### NATIONAL REPRESENTATION.

MR. HUME, on rising to submit his Motion in favour of Parliamentary reform, said, that, often as he had addressed the House on this subject, he was not aware that on any occasion he had ever considered it of so much importance as he did at present. It was of great importance as regarded the future peace of this country; it was also important as concerned its financial situation and the means by which we might be able to reduce that taxation which was now excessive, and which had grown up for the want of that proper check and control which ought to exist in the House. He was quite aware that a large majority of hon. Members were very unwilling to listen to any subject of reform, believing as they did that the House was perfect in itself. Differing entirely from the majority in that respect, and knowing that we had continued too obstinately to refuse the demands of millions of our fellow-subjects, he thought it essential that he should state, as briefly as possible, the view he took of the question. The Motion he had to submit was a verbatim copy of the one he had brought forward on two successive years in the House. He was perfectly well aware of the fate of his former Motions. At the same time, he was not deterred from introducing it once again, though he greatly regretted that the attention he was obliged to pay to a variety of other subjects would prevent him from doing that justice to the present one which it required, and ought to receive. The demonstrations made by public meetings in favour of reform during the past twelve months encouraged him, notwithstanding the adverse result of the divisions of the last two Sessions, to press the subject once more upon the attention of the House, in the hope that, after mature consideration, they would be induced to lend to it a favourable ear. The Motion was for leave to bring in a Bill to amend the national representation. He moved this because he believed the representation required emendation. None would differ on that point; but then the difficulty was the extent of that emendation, and how it was to be carried out. He wanted not to make any innovation. His object was to restore the constitution of the

House to what it was in principle, and what it was avowed by its supporters to be; and, after due consideration, he had come to the conclusion that he could not improve the constitution of the House, or bring it back to its original principle, without extending the elective franchise to a large extent. Universal suffrage was demanded by the people. He thought every man who paid taxes ought to be represented—that taxation and representation formed the contract of Englishmen—and that he who withheld that deprived Englishmen of their rights. This was his broad assertion; this was the point to which he went. Then came the consideration, how to carry out and obtain this change from an unwilling power—a power that could grant, but was unwilling to concede, the people's rights. He was obliged to lay down some rule in order to draw a line of distinction. Our present Acts of Parliament drew a line of distinction. They had pointed out who should possess the franchise, and of what the qualification should consist. It would be somewhat curious if he were to show that the principle on which our present representation rested was very different from that which he held the constitution of this country meant. Looking at the principle on which that House was constituted, and on which popular representation rested, he asked whether the present reformed Parliament had not been based on principles altogether at variance with that great, general, and admirable one of taxation and representation being co-existent? He held in his hand a letter written by Lord Melbourne to Mr. Drummond in 1832, stating the grounds on which the Government of that day intended to carry out the Reform Bill. His Lordship said—

“ In the former Bill boroughs were regarded in proportion to their population, but in the present case the elements upon which the boroughs are to be estimated are by the number of the houses and the amount of the assessed taxes.”

Now, here was the principle on which the Reform Bill of 1832 had been effected. He (Mr. Hume) had agreed to that Reform Bill, and had supported it throughout, because he expected it would have given that degree of control to the people over the Members of that House which would enable good and cheap government to be achieved. He now came publicly forward and said that in that respect he had been much disappointed; and, therefore he asked the House to reconsider the

basis on which that reform had been granted, and to extend, if possible, the numbers of the electors who were to have a voice in the election of Members of the Legislature. He had already stated that "universal" suffrage was demanded. This was a word not much liked, and very often not well understood; but he did not repudiate it, because if there was any particular mode by which he could obtain the voice of every man in the election of Members of Parliament he should only be carrying out the principle of the constitution of this country, as he could show by quoting the opinions of some of the ablest men of past times. He wished to state at the outset, that, not being able to effect universal suffrage, as he should wish to do, he adopted the next best course. He took that which was tangible, easy to be carried out, and of which no man need be afraid. He, therefore, begged not to be understood by any hon. Member as proposing that which was ideal, or fanciful, or difficult of accomplishment. He merely asked of them to agree to his Motion on this distinct ground—that taxation and representation should be carried as far as possible consistent with registration and a proper check against abuse. He might be told that every man in the country paid taxes whether he was rated or not, and he admitted that, by our present system of indirect taxation, this was true; but he held it to be almost impossible to have the principle adopted that every man who smoked tobacco or drank gin should have a vote. He had, therefore, adopted another principle—one which had not been deemed unworthy the attention of Her Majesty's Government in the case of Ireland—that of taxation and enrolment to the poor-law rating. If he could obtain any more certain data than the poor-law, he would adopt it. He thought that in proposing his plan to the House, he was bound to point out the facility with which that plan could be carried out; and if, in adopting the criterion of the poor-rate as the rate to give the franchise, he could show that there was a register kept of all he required, that no expense would be occasioned beyond that already incurred, and that every man assessed to the poor-rate should have the opportunity of voting for the election of a Member of Parliament, and that all this could be done without delay, he should do a great deal towards disarming and removing opposition. He should go further; he thought it of importance that every

plan of reform and change should be cautiously made, well considered, and not hastily adopted. Anxious as he was for reform, he confessed that he had lived long enough to see many reforms carried that were not improvements; and he would not ask the House to adopt anything which he believed was not salutary, easy of accomplishment, and likely to be advantageous to the community. His Motion would give contentment and peace to the country, by bringing within the pale of the constitution a large number of individuals who were now excluded—of worthy men, equally capable, if not more capable, of exercising the franchise than those who now enjoyed it. He was called on to answer to what extent his reform would go. He would not disturb the feelings of any man by wishing improper persons to obtain the franchise. He would have a test, and that test should be a mere residence. He proposed a registrar to the tax for twelve months, and that every man paying it should come within "the scot and lot" principle. As was the case in the Irish Bill of the Government, although that Bill contemplated a more brief space of time, he should propose that a registered residence of twelve months—six months, if possible—and rating, not paying to the poor—[Lord J. RUSSELL: Hear, hear!]  
—should entitle a man to a vote. The noble Lord cheered; but he should remember that there was one Act for rating and another for enforcing payment, and that great difficulties had arisen in consequence. The being rated was all he asked, and what he wanted was, to have a test of the respectability of the man. Every man, therefore, who was rated to the poor, and who should be rated and resident for twelve months in a locality, should be *de facto* entitled to vote; and it should be the duty of the officer to send in the name of each voter without trouble, expense, or delay. The next question he would be asked was, to what extent would this increase the suffrage? Many had been alarmed at numbers. He was not. He believed that the more the House depended on the people, the more trustworthy would be the service the people rendered. He also believed that the man who had not a voice given him by the constitution in the election of those who were to pass laws affecting life and property was no free man—he was in the situation of a bondsman and a slave. And, upon this subject he wished to state that he did not want anything for England

which he did not also demand for Scotland and Ireland. In reply, then, to the question as to what extent of suffrage the plan would lead, he begged to observe that he had only been able to obtain correct information as regarded England. That information amounted to this, that in 1841 the population was 15,911,000, or, in round numbers, 16,000,000. Now, what proportion of electors would this give? Taking every ratepayer registered to the rate, taking a copy of the rate-books for his data, and striking off the double, treble, and quadruple votes, he believed the number of men entitled to vote in the united kingdom amounted, at the present moment, to 780,000 or 800,000. This was the outside. Taking the register as it was in the year 1841, he wished the House to understand that he would give by his plan 3,232,762 voters for England and Wales alone. Scotland and Ireland would each produce its proportion; and this was the extent to which he was prepared to ask the House to enlarge the franchise. The question might be asked—would not the plan exclude many individuals? It would. If he were to take those only who were assessed to the rate, registered as at present, he left out, perhaps, one million more. Artisans and lodgers were equally respectable, and equally, if not better, fitted for the franchise than those who now possessed it; and he would propose that every lodger might register, or be registered to the poor-rate for the house in which he lived; and that if he should be so registered for one year, he should be equally competent and entitled to exercise the franchise as if he were the entire possessor of the House. This was the extent to which he carried his plan of registration; and now what was the danger arising from this extension? Was it not proved to every man who had attended to the history of neighbouring States that when power was confined to narrow places, and the masses of the people were treated not as freemen but as serfs, danger arose from such a state of things, and anarchy and confusion followed? Had we not seen in this country the advantages of having some kind of representation, limited and imperfect as that was? What, then, had they to fear from the people? The laws ought to be made for the benefit of all. The Government of the country was made for the community at large, and the Sovereign was neither more nor less than the first

magistrate of the land—whose duty it was to carry out the laws when they had received the sanction of the two legislative chambers. Were they not more likely to decrease our danger by enlarging the basis of our constitution, and so increasing the number of our popular supporters? Was there not intelligence abroad? Was not every man canvassing his rights and position in society? Were we not doing all we could to enlighten the people? Why, then, not bring the people so instructed within the pale of the constitution, and thus make our constitution and government as perfect as it was possible under present circumstances to render it? What possible danger could attend such a change? Was it not well known to every man who paid the least attention to what had recently been passing in neighbouring countries, that the real danger lay in resting power upon too narrow a basis? and, even though the people of this country were but imperfectly represented in the present House of Commons, yet, even that, such as it was, had saved this country from evils under which less fortunate nations on the Continent had severely suffered. They should remember that government was not for the use of the nobles alone, but for the people at large. The nobles formed a check upon extreme popular rule, while the sovereign was only the highest executive officer—the first magistrate in a free country. He, therefore, maintained that we should, in future, have at least three electors where at present there was only one. He knew that this was not a popular subject, and that there were a great many hon. Members now present in the House who had better be elsewhere. What would hon. Members say, if they were in the situation of the millions who were now excluded from all political rights and privileges? What would any of them say or do were they in the situation of millions of artisans, on whose industry some of the finest manufactures depended, receiving 1*l.*, 2*l.*, or 3*l.* a week, and who would be called upon to assist in keeping the Queen's peace should a disturbance break out whilst they were walking the streets! Were not those artisans entitled to say, "You call on us to execute the laws, but do you give us any share or interest in making those laws? You treat us as serfs, and drive us like cattle, and yet you call upon us to support the law. How are we interested in the law? You take money from us in every form, on everything we eat or drink.



You take from us our earnings. The one-third or one-fourth of our industry you take, and you pass laws to grind us down. How are we interested in the law?" Whilst men of large incomes were taxed a thousandth part, a hundredth part, or a twentieth part of their earnings, the artisan was taxed one-fourth of his whole wages on his consumption of the ordinary articles of subsistence. Others, not more worthy than the English artisans, living in Belgium, the United States, and France, could not be taxed without their consent; and why should not the artisan class of England be placed on a similar footing? The present system necessarily placed large masses of the people in a condition which excited discontent. Was it not evident that the time must come when these masses would judge of their unjust treatment; and what dependence in times of danger could be reposed on such men, particularly if they formed, as they did, a considerable portion of the able-bodied population? If he asked anything unreasonable, let him be reproached therewith; but he contended that his request was a just one, and that this was an opportune time for taking up the question and dealing with it properly. We were freed at present from all alarm. We had peace at home and abroad. We had general employment for the people, and the working classes were in a state of comparative comfort. We were reducing our military and naval establishments; and therefore the occasion was opportune for settling the question. The deliberate judgment of Her Majesty's Ministers had put him in possession of what was of the utmost importance in dealing with this matter. He called upon hon. Members to look at the papers on the table purporting to be the correspondence on the affairs of the Cape of Good Hope. He highly approved of the conduct of Her Majesty's Government as respected their decision on the 30th of January last. The paper he held in his hand bore the date of the 30th of January, and it consisted of a minute of Her Majesty in Council, and was the Charter of the Bill of Rights to the colony of the Cape of Good Hope. It purported to give to every Englishman, wherever he should settle, all the privileges of the free institutions of this country. Let the House not be alarmed, then, at reposing confidence in Englishmen at home, when Her Majesty's Ministers had already placed confidence in the mixed population of the Cape of Good Hope. He thought a fact

like this ought to disabuse the minds of hon. Gentlemen who might be afraid of increasing the number of electors at home, and that when he found the present Government placing confidence in mixed populations abroad, he had a right to demand the extension of reform and the granting of the privileges of England to the people of this country at home. Was an Englishman to be denied here that which he might enjoy at the Cape of Good Hope? Were the English less intelligent, less diligent, less moral, less worthy of the right of enjoying legislative powers than the inhabitants of any of the colonies? And if not, why was not the privilege conceded? In a despatch written by Lord Stanley, dated April 15, 1842, his Lordship said—

"It is highly important to assign to the people collectively a share in the management of their own local affairs; it is to the want of this participation, and to the ignorance thence resulting, that popular discontent is chiefly to be ascribed. Great benefits are to be anticipated from the free and open discussion of public interests. There is no other method of dispelling the apathy and self-distrust which induce the mass of society to lean on the Government for aid and guidance in many cases where they would much more effectually assist themselves by the use of their own resources."

Here the principle of extended power was recognised. The principle of putting that power into the hands of every man was broadly asserted as applicable to the affairs of nations; and, consequently, he (Mr. Hume) had Lord Stanley's decided, deliberate opinion in favour of his view. But, he might be told, that he might trust some classes of the people, and that he could not trust other classes. Now, Lord Stanley, at page 91 of the same despatch, said—

"I have no means of stating with entire precision the relative numbers or the comparative wealth of the different classes which combine to form the collective population of the colony. But I apprehend that the colonists of the English race are at once the least numerous and the most wealthy, active, and intelligent class. To these succeed the old Dutch settlers, or other descendants, between whom and the English there probably subsist many mutual jealousies, and but few domestic or even commercial connexions. The free aborigines of the colony form a third body, who are manifestly much depressed in the general scale of society. To them are to be added a large number of Fingoes and of other tribes, whom the events of the late Kaffir war have added to the permanent inhabitants of the Eastern districts. Finally, there is a body of many thousand emancipated negroes."

This, then, was the mixed population of the Cape of Good Hope; and what did Her Majesty's Government now propose to give

to that population? They proposed to give suffrage to all—universal suffrage was the meaning he gave to it. They proposed to give the suffrage to every man at the Cape, whatever his nation or origin might be, to every one who was registered to the road tax. This was what he (Mr. Hume) asked for the people of England, except that he substituted registry to the poor-rate for registry to the road tax; and thus by parity of reasoning he supported his case. Every person entitled to the municipal franchise at the Cape was to have a vote for members of the Legislative Assembly; and was he to be told that after Her Majesty's Government had reposed confidence such as that in a mixed population abroad, Englishmen were not entitled to the exercise of the same privileges at home? Another part of his Motion required a more equal distribution of the population according to numbers. The Government had agreed to grant electoral districts to the Cape, and those electoral districts were to return the Members of Parliament. He did not ask them to form electoral districts; but if they formed a group of two, three, four, or five boroughs, they would make the representation more proportionate. It was quite easy to do this. There was no difficulty in forming the poor-law unions, most of them consisting of several parishes, and which varied in extent according to the population, and they might as easily form such electoral districts as he had referred to. At the Cape and at other places there were to be electoral districts. Her Majesty's Ministers proposed that there should be three estates in each colony—the Governor, the Legislative Council, and the Representative Assembly. He supported the same principle in this country: he wished to have the Queen, the Lords, and the Commons; but he wished that such power should be separate and distinct. He wished not to destroy the constitution; he wished to make it more popular, and that that which purported to be the House of Commons should be so in reality, and that the Members of it should not be, as in too many cases they were, mere nominees of Peers—not of Peers only, but of the aristocratic class. Previous to the Reform Bill, seats in that House were sold like fish in the market. He wished he could say that was not so now. He had before him strong proof—he did not like to charge any individual—but his belief was, that at that moment there were many in that House who owed their seats to money paid to in-

dividuals to secure their election, and that was as much boroughmongering as the old system was. It was to put an end to this system that he sought to introduce this Bill. And then with regard to the duration of Parliaments, he thought that three years was long enough. He did not think that one year would afford a sufficient acquaintance with business. At one time he was of opinion that frequent Parliaments were better, and he agreed with Major Cartwright, who was for annual Parliaments; but on mature consideration he should be satisfied with triennial Parliaments. There was another point, as to the payment of Members. After long consideration he had come to the opinion that they got little disinterested service, and that was the reason why he had often objected to any responsible office being put upon any one without pay. He was, therefore, perfectly consistent in saying that any person who undertook any duty, if he did that duty honestly and fairly, ought to be paid for it. He should be satisfied if what was to be accorded to the colonies as to the duration of the assembly, the constitution of the assembly, and the payment of Members, should be accorded to England, except that he did not agree as to the duration of the assembly, as it was to be in some cases five years or ten years. Here they had precedents; they had Ireland and the colonies. To those branches of the empire that justice was about to be extended which he asked for England and Scotland. Why not put all on the same footing? He would refer to the speech of the noble Lord at the head of the Government, on the 8th inst., in introducing the Colonial Government Bill—a speech which, he said, he had listened to with more pleasure than any speech delivered by the noble Lord since that in which he introduced the Reform Bill; for in it the noble Lord expressed those sentiments which he (Mr. Hume) knew he entertained, and which came out now and then in spite of himself, though at long intervals. In that speech the noble Lord said—

“ But there was another and a most remarkable characteristic attending these colonies, and this was, that wherever Englishmen have been sent or have chosen to settle, they have carried with them the freedom and the institutions of the mother country. I will take the liberty of reading some extracts from a patent given to the Earl of Carlisle when he went out to be governor, and I think proprietor, of Barbadoes, in 1627, that is to say, in the reign of Charles I. :—

“ Further know ye, that we, for us, our heirs and successors, have authorised and appointed the

said James Earl of Carlisle, and his heirs (of whose fidelity, prudence, justice, and wisdom we have great confidence) for the good and happy government of the said province, whether for the public security of the said province or the private utility of every man, to make, erect, and set forth, and under his or their signet to publish, such laws as he, the said Earl of Carlisle, or his heirs, with the consent, assent, and approbation of the free inhabitants of the said province, or the greater part of them, thereunto to be called, and in such form as he or they in his or their discretion shall think fit and best."

Here was no limitation. He (Mr. Hume) asked them now to give to Englishmen that suffrage which was given in 1627 to those who went out to Barbadoes. This document went on to state—

"We will also, of our princely grace, for us, our heirs, and successors, straightly charge, make, and ordain, that the said province be of our allegiance, and that all and every subject and liege people of us, our heirs, and successors, brought or to be brought, and their children, whether there born, or afterwards to be born, become natives and subjects of us, our heirs and successors, and be as free as they that were born in England."—*Hansard*, vol. cviii., page 538.

And what were the free institutions which they conveyed to the colonies? The noble Lord meant that they carried out with them what they were entitled to. They could enjoy them in the colonies—they could not enjoy them here. He (Mr. Hume) said, therefore, that the Reform Bill of 1832 had not fulfilled its objects. The noble Lord, in introducing that Bill, said—

"It will not be necessary on this occasion that I should go over the ground which has frequently before been gone over for arguments in favour of a change in the state of the representation; but it is due to the House that I should state shortly the points on which the reformers rest their case. In the first place, then, the ancient constitution of our country declares that no man should be taxed for the support of the State who has not consented by himself or his representative to the imposition of the taxes. The well-known statute, '*De tallagio non concedendo*,' repeats the same language; and, although some historical doubts have been thrown upon it, its legal meaning has never been disputed. It includes 'all the freemen of the land,' and provides that each county should send to the Commons of the realm two knights, each city two citizens, and each borough two burgesses. I ought to notice certain points which are looked to with great interest by the most zealous advocates for reform, but which are not included in the proposed measure. In the first place, then, I have to state that there is no provision in this Bill for shortening the duration of Parliament. That is a subject which has been much considered; but, upon the whole, without stating the opinion of His Majesty's Ministers on it, I may observe, that it was thought better to leave that matter to be brought forward as a separate question, than to bring it at the end of a Bill affecting franchises and matters of local

reference, separate and essentially different from any question concerning the duration of Parliament. Without saying to what opinion His Majesty's Ministers incline on this point, I may say, that they consider it of the utmost importance not to burden this measure with any other, but to reserve it by itself, leaving it to any other Member, at any time that may be considered fitting, to introduce the question and to make it the subject of future consideration. There is another question likewise, which has excited a vast deal of interest in the country; and of which no mention is made in this Bill, I mean the vote by ballot. I have no doubt the ballot has much to recommend it as a mode of election. More ingenious arguments never fell under my eye, on any subject, than I have seen in favour of the ballot; but at the same time, I am bound to say that I hope this House will pause before it sanctions the Motion which the hon. Member for Bridport is to make, and adopts the mode of voting by ballot."

He (Mr. Hume) thought he had now shown them what the opinions of the noble Lord were as to the rights of Englishmen. It might be said to him, "You had the Reform Bill, did it answer its purpose?" He said no; it had not. He said at the time that they wanted more, but they would wait. The noble Lord should speak for himself; because, if he could reply to his own proposal, he (Mr. Hume) gave up the point. On the 24th of June, 1831, the noble Lord made use of these expressions:—

"When I propose a reform of Parliament, I propose that the people should send into this House their real representatives, to deliberate on their wants, and to consult for their interests, to consider their grievances, and attend to their desires. I propose that they should possess, in fact, that which they have hitherto had only in theory—the vast power of holding the purse-strings of the monarch."

Let that be carried out, and he would be perfectly satisfied. He wanted the noble Lord to come up to the mark; but the noble Lord should speak for himself. The noble Lord proceeded to say—

"I feel convinced that I am laying a foundation for the most salutary changes in the comfort and well-being of the people. Laws will no longer be passed in such an assembly for the benefit of Government, or classes, or individuals; they will be no longer passed by men roused at twelve o'clock at night to vote for what they know not, or against that of which they have not heard a single syllable, merely because the leader of their party tells them so to vote. Laws in a reformed Parliament will be cautiously proposed, and seriously and deliberately considered. I say, then, that if we identify this House with the people of the three kingdoms, we may hope, however slowly it may be accomplished, or however impatience or faction may complain of us for not hurrying our steps, we may hope, I say, that by extending to a great and powerful and enlightened people the right of having their legitimate

representatives assembled within the walls of Parliament."

Now, he asked the noble Lord if the result had been what he expected? Was there that contentment? Did all the people join in electing the representatives? He would show that they did not. When in 1839 he told the noble Lord that the Bill had not answered his expectation, the noble Lord said—

"With respect to the original intention of the Reform Bill, he was speaking then in the presence of many before whom he had introduced that Bill, and who were present at its formation, and he thought he should be corroborated by them when he said 'that his intention was to give a fair representation to all parts of the country. He wished to give a preponderance to no part over the other, and he had more than once stated that they had taken a certain number of counties, and an equal number of manufacturing towns, to share in the representation.'"

He would now quote the opinion of another noble Lord, Lord Camden, in reference to the separation of the American colonies from the mother country. They all knew that those colonies were lost to this country by a series of blunders. On the 22nd of February, 1766, a Motion was made for repealing the Stamp Act, and Lord Camden said—

"My position is this—I repeat, and will maintain it to my last hour, taxation and representation are inseparable. This position is founded upon the laws of nature. It is more; it is itself an eternal law of nature, for, whatever is a man's own is absolutely his own. No one has a right to take it from him without his consent. Whoever attempts to do it, commits an injury; whoever does it, commits a robbery."

He repeated the noble Lord's words, that a man who was taxed without his consent was robbed of a certain portion of his goods. Then, in order to show still farther what was the object of the Reform Bill, he could not refrain from quoting what Earl Grey stated in the House of Lords on the 3rd of October, 1831:—

"I believe the present to be a measure of peace and conciliation; I believe that on its acceptance or rejection depends, on the one hand, tranquillity, prosperity, and concord—on the other, the continuance of a state of political discontentment, from which these feelings must arise, naturally generated by such a condition of the public mind.....On one or two different occasions I have originated Motions on the subject, believing, as I do, that a change is necessary to infuse new vigour into the constitution, to unite the estates of the realm in the bonds of a sacred and happy union, and to make the House of Commons that which it was intended to be, and professed to be, and ought to be—the full, vigorous, and efficient representative of the people of England."

And on the 9th of April, the noble Lord quoted a passage from a book of great authority, *Whitelock's Book on Government*, in order to show the nature and extent of the ancient right of voting. Mr. Whitelock said—

"Whenever any question about elections was brought before the House, the inclination of the House of Commons always was to favour popular elections, observing that the more free they were, the more they were for the interests of the community. At this day, in many boroughs, the election still remains popular, being exercised by all the inhabitants, scot and lot."

That was the evidence that Earl Grey brought as to the advantages of his measure, and as to the rights of Englishmen. And then Mr. Serjeant Glanville said—

"In a Committee upon the Cirencester election petition in 1792, quoted in 2 Fraser's Election Cases, p. 449, 451, it became necessary for the Committee to define what was the right of election, and they gave a general definition for purposes of enactment as to the right of voting in the following terms, which stated it thus: 'Every male person of full age, and not subject to any legal incapacity, who shall occupy any house or dwelling, the same being *bonâ fide* fitted for and applied to purposes of residence, shall, if duly registered, be entitled to vote in the election of Members to serve in Parliament.'"

Here was the suffrage that he asked. Then there was another decision of that House as to the Pontefract election, in which the same doctrine was held, and that a six months' residence only, keeping a house, was required to entitle a man to vote. And he had the opinion of Sir Thomas Smith, given in the time of Elizabeth, confirming these views. Sir Thomas Smith said—

"Every Englishman is intended to be present in Parliament, either in person, or by procuration and attorney, of what pre-eminence, state, dignity, or quality soever he be, from the prince to the lowest person of England. And the consent of the Parliament is taken to be every man's consent."

But, if he had any opinion which he was more anxious to bring before the House than another, it was the opinion of an hon. Gentleman now in that House, the hon. and learned Member for Banbury, who in 1831 published a *Legal Review of the Origin of the System of Representation in England*, in which he says—

"Every person of full age, who was not subject to any legal incapacity, and who should occupy, within any city or borough, any dwelling-house, &c., should be entitled to vote in the election of a Member of Parliament, provided that such person should be rated in respect of his premises. It is very clear that when, in the reign of Henry IV., the attention of the Legislature was



first called to these elections for the purpose of regulation, the franchise of voting for the Members of the shires was of a very popular nature : indeed, there seems good reason to assert that the right of voting, recognised by the statute, extended to what at that time amounted to universal suffrage of all men of free condition. At all events this appears certain, that if any qualification of property were required in the earliest Parliaments, only the tenure of the property was regarded, and no limitation of value was imposed, but that every freeholder, as suitor of the county court, was entitled to vote, however small might be the estate."

Now, he said he had made out his case, that every man who was rated to the poor-rate was, agreeable to the principles on which our constitution was established, entitled to vote. And then as to the qualification, he was sorry to say that he held in his hand a list of eighty-five different modes of qualification of voters in counties, cities, and boroughs. Was it to be wondered at then, that they required a large establishment of lawyers to go round and register the voters? Figure to themselves that instead of eighty-five qualifications they had only one, the being rated to the relief of the poor. Having sat in this House many years, he had heard how various were the opinions as to what the qualification of a voter ought to be. He had heard it maintained that property ought to be the basis of representation; by others that intelligence should be represented; by some that education ought to qualify; and by others that the qualification ought to be personal virtue. He would put an end to them all, and have one single qualification, the being rated to the relief of the poor. And now as to the intelligence of the people. The common observation had been, "educate the people first;" but he said, the best mode of teaching the people was by giving them something worth living for. A gentleman in Scotland, Mr. Henderson, advertised that he would give premiums for the three best essays on the observance of the Sabbath, to be written by some of the working classes. In less than three months he received no fewer than 1,045 essays. Three of them Mr. Parkes had published. He had read them, and they showed great talent. One of them was by a journeyman printer, another by a journeyman shoemaker, and the other by a journeyman machinist. These were samples of the intelligence of the working classes. With such proofs of intelligence, could it be borne that men capable of writing such essays were to be denied the franchise? Were bricks to be preferred

to brains? As Franklin said, was a man to have a vote as long as his jackass was alive, and, as soon as his jackass was dead, was he to lose his vote? At present, if a man occupied a house of certain value he had a vote; but, if he left the house, he lost his vote. What an absurd state of things! He now came to the inequality of the representation. The hon. Member for Marylebone moved for a return last year, and he took that as his new data. He found from it that the case was stronger than he had formerly represented it to be. He found from that return, which was No. 16 of the Parliamentary Papers, 1849, that Calne returned one Member with 165 electors, Reigate returned one Member with 198 electors. Five other boroughs had each less than 250 electors. Three of these returned two Members each, and two returned one Member each. He found that London, the Tower Hamlets, Liverpool, Marylebone, and Finsbury had conjointly 89,786 electors, and sent 24 Members; while Andover, Knarborough, Thetford, Harwich, Marlborough, Richmond, Chippenham, Cockermouth, Lymington, Tavistock, Wycombe, Chipping, and Evesham had altogether only 3,509 electors, and also sent conjointly twenty-four Members. So that there were twenty-four Members in that House sent by 3,509 electors, who had the same power as twenty-four other Members sent by 89,786 electors. He would now state the proportion which the registered electors bore to the number of houses and the population, in England, Wales, and Scotland. It was as follows:—

PROPORTION OF ELECTORS, HOUSES, AND POPULATION.

	England.	Wales.	Scotland.
Electors on register	363,670	11,599	42,318
Houses.....	1,139,113	43,553	164,178
Population .....	5,873,772	231,456	964,958
Proportion of electors to houses ...	as 1 to 3½	as 1 to 4	as 1 to 4
Proportion of electors to population	as 1 to 16	as 1 to 21	as 1 to 23

He would ask did that bring us within the category which the noble Lord and other authorities had stated? The dependence of small boroughs on the will of individuals was significantly pointed out by the uncontested elections. It was well known there were means of carrying elections

without contests ; and he was sorry to say money was too often used for that purpose. At the last general election the two smallest boroughs, Calne and Reigate, were both uncontested. Of the

5 boroughs under 250 electors, 3 uncontested.					
6	do.	300	do.	5	do.
15	do.	350	do.	8	do.
20	do.	400	do.	14	do.
9	do.	450	do.	7	do.

Making a total of 55 boroughs, of which 37 were uncontested. There were 89 uncontested elections in all—of which more than three quarters, namely 70, were at places having less than a thousand electors. Hence it was evident that it was only the large constituencies in which popular opinion was allowed to operate. The proportion of electors to the population was as follows :—In England there is one elector for 18 persons ; Wales, 1 for 19 ; Scotland, 1 for 34 ; Ireland, 1 for 58. One half of the borough population of England returns 33 Members ; the other half returns 290 Members. One-ninth of the population of the united kingdom elect a majority of Members in the House. What a state of things was this ! Could the Government defend such a state of things ? It was impossible but that discontent should arise ; and the Legislature was doing all in its power to foster it. With one hand they were paying money to establish new schools, new churches, and new teachers ; while with the other they were refusing the people their rights ; and it was impossible that the people, with the educational means now afforded them, should not soon discover the injustice. He had received yesterday from Newcastle, a statement showing that 23 Members were elected by 5,333 electors, while other 23 represented upwards of 200,000 electors. Newcastle, with a constituency of 5,324—within nine of the number returning 23 Members—yet returned only two. From these facts, he was confident he had laid a foundation for his Motion. He claimed it as a right ; he asked no favour ; he claimed it on behalf of the community at large, on behalf of those who were anxious to reduce the expenses of the country. He was anxious for financial reform, and saw that it could only be obtained by this means. He wanted a House responsible to the people ; he wished the people to have what the noble Lord had promised them from the Reform Bill—a hold on the purse-strings of the country. With this partial, unequal distribution of the fran-

chise, they had no such hold ; and he asked, at this moment above all others, that the right should be conceded them. Let them look at the consequences of the refusal of rights by former Governments. He recollected the disturbances of 1792 in Edinburgh ; and witnessed with regret the persecutions that took place to put down popular rights. France, a few years before, goaded by oppression, had effected her revolution. Mr. Fox, Earl Grey, and other liberal men in this country, met to congratulate the French people on their freedom from subjection. [Mr. DRUMMOND : Hear, hear !] His hon. Friend the Member for West Surrey might also recollect it, and on that ground he (Mr. Hume) should claim his vote. He was not sure that Mr. Fox did not go over himself with the address, but certainly he and other liberal men of that day attended the meeting. At that time the Whigs were distinguished from the Tories as the friends of popular rights, the latter being opposed to them ; now, unfortunately, that distinction was lost, for they rowed in the same boat. At that time, at every public meeting, and at the Fox Club, the first toast given was always, “ The people, the source of all power.” On the people depended all civil government. [An Hon. MEMBER : No !] An hon. Member said “ No ;” what would he do without the people ? The liberal opinions which prevailed abroad were welcomed in England—the Duke of Richmond taking the lead ; and Mr. Pitt was brought in on the shoulders of the people as a reformer ; but, when he found the Crown averse to those opinions, he turned round and became their persecutor. Reform opinions gained ground in London, in England, and Scotland ; associations were formed to support them, and to put down the popular demands ; the prosecutions in Scotland took place, which were a disgrace to the Government, and were contrary to all law and justice. The war with France had been embarked in to keep down popular opinions ; and what had been the result to this country ? A debt of six hundred millions. A like liability might be again incurred by the refusal of just demands. The advocates of popular rights were then commonly told, “ If you don't like the country, leave it.” This was said principally by the landed aristocracy. They had incurred this debt ; and if they refused justice much longer, let them beware lest the land should be called on to pay that debt. This might be called a threat ; but it was a caution sug-

gested by past experience. We had incurred 600,000,000*l.* of debt to put down a commonwealth in France; and a republic and universal suffrage now existed there. Let those who were unwilling to do justice to the mass of the people take a lesson from what had occurred there. But he would go further. What created discontent in this country? It was said distress was the cause; and when the people were distressed, their attention was naturally directed to their grievances. In 1842 and 1843, when wages were low, the labouring men, knowing they could not compel their masters to raise them, turned their attention to the state of the franchise, and the Chartists arose. [Mr. F. O'CONNOR: Hear, hear!] He must repeat, what he had often said, that there had been no greater enemy to electoral reform than his hon. Friend opposite. He (Mr. Hume) had assisted in drawing up the Charter, and was an advocate for the rights of the people; but he wished not to see any attempt at attaining those rights by force. [Mr. O'CONNOR: Nor I.] He would show the people what were their rights, and would enforce them by the spread of conviction. He had always found it the best course to convince people of the justice of a claim, of the benefits which would arise from granting, and the evils which would result from refusing it. But the course taken by the Chartists—his Friend would excuse him saying so—had rendered the principles of reform odious from the name of Chartism. [Mr. O'CONNOR: No, no!] For, coupled with their advocacy of reform had been acts of violence and insubordination which he (Mr. Hume) had never contemplated. Whilst, therefore, he rejected the means employed by the Chartists, he approved the spirit and principles of the Charter. Earl Grey had introduced the question of reform in 1832 as a means of promoting peace; and this Motion might be recommended on the same ground. The demand for reform in 1842 and 1843 had been met by increased estimates, an augmentation of the army and police, and a doubling of the expenditure. He had treated as unworthy of attention the alarm caused by the Chartists in 1848, knowing that they did not want to kill anybody, or to interfere with property, but merely sought to have their rights. Had the Government then conceded those rights, no necessity would have arisen for placing 7,000 or 8,000 additional police on duty, and covering the country with bayonets, *to keep the people down.* Let the House

mark his words. If ever such a time as 1842 should again occur—he hoped it would not, for he should not like to see it—with the increased intelligence of the people, and with every State in Europe enjoying representation—should anything occur to reduce the employment of our artisans—was it possible that they should consent to suffer such injustice, especially when everything they ate, drank, or touched was taxed? These were things against which a foreseeing statesman should provide; and now was the time for serious attention to the question. He did not wish the Government to go beyond what was demanded by the general conviction and concurrence of the great mass of the people; but, could the question be put to the ballot to-morrow, he had no doubt the great majority would be in favour of the reforms he now proposed. It behoved those who had property to treat justly the men who made that property valuable, and not to use the power which they had usurped for keeping their rights from the people. Those who wished to preserve their property to themselves and their families would best do so by acting justly, by doing to others as they would be done by, and not by grasping at that which they knew it was unjust to withhold. Those who were supported by the taxes, or had ample means of their own, ought not to put their hands into the pockets of the people. He would conclude by quoting the words of the noble Lord at the head of the Government in introducing the Reform Bill:—

“But what is the case at this moment? The whole people called loudly for reform. That confidence, whatever it was, which formerly existed in the constitution of this House, exists no longer—it is completely at an end. Whatever may be thought of particular acts of this House, I repeat that the confidence of the country in the construction and constitution of the House of Commons is gone, and gone for ever. I will say more. I will say that it would be easier to transfer the flourishing manufactures of Leeds and Manchester to Gatton and Old Sarum, than to re-establish confidence and sympathy between this House and those whom it calls its constituents. I end this argument, therefore, by saying, that if the question be one of right, right is in favour of reform—if it be a question of reason, reason is in favour of reform—if it be a question of policy and expediency, policy and expediency are in favour of reform.”

He therefore felt that he was fully justified in submitting to the House the Motion of which he had given notice, to which he wished to add a clause taking away the property qualification of Members, conceiving Government could not object, as

they had adopted the principle in reference to three-fourths of the colonies.

Motion made, and Question proposed—

“That leave be given to bring in a Bill to amend the National Representation, by extending the Elective Franchise, so that every man of full age, and not subject to any mental or legal disability, who shall have been the resident occupier of a house, or part of a house as a lodger, for twelve months, and shall have been duly rated to the Poor of that parish for that time, shall be registered as an Elector, and be entitled to vote for a Representative in Parliament; also, by enacting that Votes shall be taken by Ballot; that the duration of Parliaments shall not exceed three years; and that the proportion of Representatives be made more consistent with the amount of Population and Property.”

SIR J. WALMSLEY: In rising to second the Motion proposed by my hon. Friend the Member for Montrose, I am fully sensible of the great importance of the question about to be submitted to the decision of this House. I am equally sensible of my own inadequacy for the fulfilment of the duty I have undertaken; but I feel assured that whatever my deficiencies, and however wide may be the difference of opinion between myself and the hon. Gentlemen around me, I shall receive the indulgence of this assembly while I endeavour to discharge as well as I am able the task I have assumed. I can assure the House that in taking a part in the present discussion, and supporting the measure of my hon. Friend, I am influenced by an anxious desire for the safety and prosperity of the country, and the character and just influence of this branch of the Legislature, and only seek a remedy for those evils which were sought to be extirpated by the Reform Bill of 1832, but which I think the House will admit to exist at the present time to nearly as great an extent as when that measure was introduced. But should opinions vary in regard to the nature or extent of particular evils, one fact is undeniable, and it is a fact of the utmost importance—that although it is our happiness to live in a land unsurpassed for the loyalty, intelligence, and industry of its inhabitants, the franchise is exercised within the narrow circle of some 800,000 of Her Majesty's subjects, and so distributed as to render election of Members of Parliament to this House almost nugatory as the expression of the popular mind and will. It will be for hon. Gentlemen who intend to vote against the present Motion to prove, that of all who contribute to the support of the State, there should be less than one million who are

worthy to possess the elective franchise, or are capable of using it with benefit to themselves and to the interests of the country. Until the proof is before me, I must assert, that, as a general rule, the unenfranchised masses of this country are worthy of the political rights which they claim, and are prepared to exercise them in a manner compatible with the interests we all desire to guard. I must be permitted to go one step further, and to say, that whatever may be the result of this debate, it will not be safe much longer to delay the act of justice which is now sought; and could we be assured of safety, the time is fast approaching when the very intelligence of the millions of this country will make legislation on this question absolutely imperative. When the noble Lord the Member for the city of London had charge of the Reform Bill, he referred constantly to the numerous evils and abuses of the then state of the representation. I have yet to learn that any one of those evils and abuses, then so powerfully depicted, is absent from our present representative system. Did the noble Lord inveigh against nomination boroughs? We point him to a list of boroughs, sending Members to this House, all of them notoriously under the influence of parties who claim, and do not fail to use, the power of saying who those Members shall be. Did the noble Lord support his measures of reform by appealing to the practice of bribery and corruption at elections? We point him to the blue books accumulated at the commencement of every Parliament from that time to the present. On the other hand, did the noble Lord argue the propriety and justice of giving the franchise to populous towns and districts? I will venture to ask him whether the results have not justified his arguments, and whether the fact of so few petitions having been presented from those enfranchised constituencies is not a good reason in support of a further extension of the electoral power, and the enlargement of the constituencies throughout the united kingdom. I will ask the noble Lord, too, whether the constituencies created by his Bill of 1832 have not made some valuable contributions to this House? Possibly hon. Gentleman opposite may be disposed to question this; but I think those who occupy seats on these benches will allow that the deliberations in this House upon the most important measures which have been passed during the last eighteen years have been



greatly aided by the experience, the judgment, and the principles of those who owe their Parliamentary existence to the Bill of the noble Lord. Is it then unreasonable to suppose that a new measure of reform, as generally demanded now as was that to which I have referred, would not lead to similar results, and, consequently to important improvements in the constitution of this House? The people of this great country are growingly alive to the imperious necessity of remodelling our system of representation. Vast numbers are deeply impressed with a sense of the wrong that is done to them by the denial of any voice in the election of those to whose laws they must yield obedience, and whose taxation, however excessive, they are compelled to bear. This sense of injury will be deepened by delay; and it would therefore be but following the dictates of prudence to make timely concessions. Of those who possess the franchise there are many who deeply sympathise with their unprivileged fellow subjects, and are content no longer to enjoy a political distinction of which others are as capable and as deserving as themselves. I admit there are others who would be content with the system as it is, if they could see those practical results which they deem themselves entitled to expect in the legislation of this House. But the votes of this House upon questions in which these classes take a deep interest, are generally so much at variance with what the condition, the wants, and the destinies of this country demand, that they are fast becoming favourable to the throwing open the portals of the constitution to the people at large, as the only means to the attainment of that proper administration of affairs which they desire to see realised. For myself I think it is not only expedient, but just, that Her Majesty's intelligent and attached subjects should possess something more than the privilege of paying the taxes which it pleases this House to impose. I ask, therefore, for the extension of the suffrage as a debt due to those valuable portions of our population, and agree with those who seek the extension of the suffrage as a means to amend. The proceedings of the last two Sessions have convinced the people, the electors not less than the non-electors, that no material alleviation of the national burdens can be expected from this House as at present constituted. It is undeniable that there has been an all but universal demand for a

revision of our taxation, and a large diminution of our public expenditure. To the present hour, however, no prospect has been held out of the relief so necessary to the welfare of all classes. Hence, those whose efforts might have been confined to measures of finance, are now convinced that it is only by a reform of this House that the taxation of the country can be so lessened as to diminish the pressure upon the industry of the people. I may be told of the measures which have passed the Legislature during the existence of the present system, and of the possibility, therefore, of obtaining measures of a similar character without resort to the reconstruction of this House. But the people are no longer willing to seek solitary instalments of justice by a large expenditure of time and money and labour during a protracted agitation of particular questions out of doors. They look for, and have a right to expect, in a representative body, a predisposition to take up all great public questions on their merits, and to discuss and to decide them with a single eye to the welfare, the interests, and the rights of the community. Were such the case, legislation would be far more easy and far more satisfactory; and a patriotic Minister would be much better able to carry his wishes into accomplishment. Perhaps it would be impossible to adduce a more striking instance of the fact, that this House does not represent the people, than the circumstance that the present Chief Minister of the Crown should consider himself incompetent to carry through this House any measure tending to enlarge the liberties of any portion of the population; for I will not do the noble Lord the injustice to suppose that he is not as much convinced as any Member of this House of the necessity of extending more or less the elective franchise. It is more than probable that reference will be made during the course of this debate to the danger of extending the basis of representation. On no point is my own mind more at rest than on this. So far from thinking that the safety or security of any thing really valuable would be perilled by the admission to the franchise of those who are at present without it, I am thoroughly persuaded that you have yet to bring within the pale of the constitution the most virtuous, loyal, and independent portion of the population of these realms. Shall it be said that in this country alone, Englishmen are unworthy of the rights of citizenship? Where-

ever we track them, as emigrants to distant regions, we find them fully capable of discharging not only the social, but all the political duties. In the United States, they are at once admitted without question, and almost without probation, to the immunities and functions of citizens. Who are those who have carried our civilisation, our arts, and our commerce to foreign lands? Who are those who have peopled the wilderness—have tilled the soil, and raised towns and cities in the remote dependencies of the British Crown, and are now asking and obtaining representative and responsible government? Are they not, the majority of them, men who in their native land and at the seat of empire were treated as unworthy to have a vote for the return of Members to this House? Shall it be said to the honest artisans of this country, that while here they shall be excluded from the franchise; but that if they will quit these shores they shall find it in New Zealand, at the Cape, in the Canadas, or in Australia? When we find the thousands of our colonial brethren extorting self-government from the hands of the British Legislature, shall it be said it is denied to the millions at home? The noble Lord has announced emphatically, that it is not the intention of the Government to bring forward any measure for an extension of the franchise during the present Session. I am glad the noble Lord has been discreet enough to say only this Session, for I tell him that which he already knows, that it is but a question of time. He may be sceptical as to the public feeling upon this matter; but the result of a somewhat extended observation has led me to the conclusion that there is as large an amount of unanimity upon this question as was ever known to be manifested upon any other. If the noble Lord require additional evidence of the desire of the people for Parliamentary Reform, I think I may promise him that he will have it—I think I may promise the noble Lord more, that whenever he shall feel disposed to venture upon a proposal to admit those to the possession of the franchise who are worthy of the boon, whatever may be the scantiness of the support given to him by the Members of this House, he will be sustained by the great body of the people, and by them be enabled to retain that high position which, as the author of such a measure, he would deserve to fill. But, whatever may be the inclinations of Her Majesty's Government, or the feelings of this House, I am satisfied the time is not distant when

the people will speak with a voice which no Minister, and no Parliament, will be able to disregard. It will be an omnipotent voice, because it will be the voice of justice and of reason uttered in the spirit of loyalty and truth. It will be the voice of a people whose intelligence, whose industry, and whose skill are the glory at once of this parent country and of every region over which the sceptre of Her Majesty is swayed. It will be the voice of a people who have reared imperishable monuments of their piety, their virtue, and their patriotism; and when that voice shall have been heard, answered, and obeyed, I believe the time will have arrived for a new and a better state of things—a time when there will be a considerate attention to the just interests of all classes, without partiality and without distinction. Thanking the House for their kind indulgence, I leave this great question to their judgment, and that of an enlightened country. But, before sitting down, I would wish to notice one or two points which have been passed over by my hon. Friend. My hon. Friend the Member for Montrose has referred to the discrepancies and anomalies in our present representative system, especially as regards the smaller boroughs. There are 30 boroughs with less than 300 electors; 63 with less than 400; and 81 with less than 500, while large and populous districts remain totally unrepresented. There are upwards of sixty of those boroughs notoriously under local influence. But these inequalities and anomalies are not confined to population; property being almost as unfairly represented. According to a statement in Mr. Mackay's admirable pamphlet, one half of the annual value of property in England and Wales is represented by 9 counties and 161 Members; the other half by 31 counties and 310 Members. One moiety of the Members of this House represent property of the value of 6,200,000*l.*; the other half of 78,000,000*l.* yearly. If we compare the large boroughs with the counties as respects both property and population, the same injustice prevails. I would take, for example, a borough with which I am more immediately familiar, namely, Liverpool, containing from 300,000 to 400,000 inhabitants, which is assessed to the poor-rate to the amount of a million and a half annually, but which returns only two Members to the House of Commons; while the county of Buckingham, with half that population, and a moiety of its assessment,

sends eleven Members to this House. We may look at the metropolis, with a population of upwards of two millions—it sends sixteen Members to Parliament; eight small boroughs, with a population of not more than forty thousand—Richmond, Lymington, Thetford, Bridgenorth, Harwich, Stafford, Totnes, and Honiton—elect the same number of representatives. In nothing can there be greater disproportion. Thetford, with 214 electors, returns the same number of Members as the Tower Hamlets, with 19,361; Knaresborough, with 228 electors, returns two Members; and Finsbury, with nearly 16,000, only returns the same number. Westminster is in the same way neutralised by an equal number of Members being returned by Harwich. The injustice of this appears the greater the more it is examined. The great seats of population are the seats of intelligence as well as industry and property. From them have sprung up the institutions which are now vying with each other to instruct and improve the condition of the people. What do we find? Why, that twenty-five small boroughs, with 9,153 electors, return fifty Members, and have an equal voice in this House with twenty-five of the largest boroughs in the empire, having altogether 229,365 electors, and which only return the same number of Members. It is impossible that such anomalies can continue, when the attention of the people has been thoroughly aroused to them. I will not, however, weary the House with further details; they are, I am persuaded, patent to every Member present. I have now to apologise to the House for having occupied so much of its time, but the position I have taken out of doors upon this great question seemed to me to require that I should do so. I have taken up this question upon principle, and I am resolved to carry it out to the best of my ability, being determined never to rest satisfied until the people of this country are freely, fairly, and fully represented. No individual is better able to appreciate the greatness of this question than the noble Lord the First Minister of the Crown. To him, more than to any man, is this nation indebted, in times past, for eloquent and masterly expositions of the constitutional rights of the people; and no man would rejoice more than myself to see the noble Lord, after the lapse of nearly twenty years, coming forward to consummate the work he so judiciously commenced. I would remind the noble Lord of the lan-

guage which he then used—language as applicable, in my judgment, to the question now before the House, as to the measure it was intended to support. The words have been already referred to by my hon. Friend, but he did not state whose they were. “If,” said the noble Lord, “representation be a question of right, then is right in favour of reform. If it be a question of reason, then is reason in favour of reform. If it be a question of policy and expediency, then do policy and expediency both loudly call for the extension of reform.”

SIR G. GREY said, the hon. Member for Montrose was at least entitled to the credit of consistency in pressing this question upon the attention of the House; and he also gave the hon. Member, as well as the hon. Gentleman who had very ably seconded the Motion, credit for being actuated by a sincere desire to promote what they believed to be the best interests of the country. He, however, differed from the hon. Members as to the results which would follow from the adoption of the scheme which they had rather shadowed out than distinctly described, and therefore he would call upon the House, as he did last Session, to meet the Motion with a direct negative. The Motion was identical with that which the hon. Member for Montrose brought forward last year, and the question which the House would have to determine was not, as might be inferred from some of the arguments of the hon. Member for Bolton, whether the details of the Reform Bill should be irrevocably adhered to, or whether the terms and conditions which were now attached to the right of voting might not be reconsidered, with a view to an enlargement of the franchise. With respect to that question he would express no opinion, because it was not raised on the present occasion; and he made these observations only because it might perhaps be inferred, from something which had fallen from the hon. Member for Bolton, that in resisting the Motion he was opposing now and for the future any extension of the suffrage which could be made consistently with the principles on which the constitutional question was settled by the Reform Act. The question for the House now to determine was, whether they would permit the hon. Member for Montrose to introduce a Reform Bill of a more sweeping character than that which, after a severe struggle in Parliament and the country, was passed in 1832. The

hon. Member wished to remodel the constitution of the House of Commons; but he (Sir G. Grey), for one, was not prepared to assent to that. He would not say that it was impossible to effect any improvement in the constitution of the House, or that under no circumstances would it be advantageous to reconsider the details of the Reform Act; but he was not prepared to open the question now, nor was he prepared to depart from the main principles which had guided Parliament, from the origin of the constitution to the present time. His hon. Friend told them fairly that he was an advocate for universal suffrage; that he laid it down as the basis of his proposition, that all persons who paid taxes should exercise the franchise; but his hon. Friend afterwards felt bound to qualify that by saying that taxation and representation should go together as far as was consistent with a proper check against abuses. Perhaps, so qualified, he (Sir G. Grey) might concur in the hon. Gentleman's proposition; that was, indeed, the basis on which our representative system rested; but his hon. Friend now asked them to depart from it, and to adopt such a large and indefinite extension of the suffrage as would be inconsistent with any effectual check. Upon that ground, if there were no other, he would ask the House not to assent to this Motion. He did not know what check his hon. Friend would suggest against abuse. [Mr. HUME: I propose registration for twelvemonths as a check.] His hon. Friend said, registration; but with that principle of registration he would admit every male person in the country to exercise the franchise; and when his hon. Friend said that taxation and representation ought to go together, let the House mark his practical admission of the necessity of imposing some limitation on that principle, for, according to his hon. Friend's own showing, it would still leave a million and a half, if not two millions, in the condition which he had described as of serfs and bondsmen, not in a situation to exercise the franchise, and therefore subject to the same discontent which he now conceived to prevail amongst a large portion of the taxpaying people of this country. His hon. Friend said, that if the principle of indirect taxation were admitted, universal suffrage would follow. No doubt it would do so according to his hon. Friend's principle, for everybody in some degree or other contributed to the indirect taxation of the country; but his

hon. Friend admitted that that would be dangerous, and would lead to results for which he was not prepared, and therefore he proposed that

"it should be limited to every man of full age, and not subject to any mental or legal disability, who shall have been the resident occupier of a house or part of a house as a lodger for twelve months, and shall have been duly rated to the poor of that parish for that time, shall be registered as an elector, and be entitled to vote for a representative in Parliament."

Even with that qualification the proposition of his hon. Friend departed from what had hitherto been the invariable condition for the exercise of the elective franchise, namely, the possession of some property. The test which his hon. Friend proposed did not necessarily involve the possession of any property. His hon. Friend proposed to alter the law of rating, and not to leave it limited, as at present, to householders, but to extend it to lodgers occupying a part of a house—not in the way in which the law now allowed a lodger to be rated as an occupier, but to give a claim to the franchise to all persons under the roof of a house. [Mr. HUME: I propose that the party should at the least have a room.] He would not enter into the question whether a person having a separate room could or could not now be rated; but his hon. Friend proposed that such a person should be entitled to claim to pay rates, and distinctly said that if a person who was a lodger were placed on the rates, he should be allowed to exercise the franchise without any inquiry whether he had paid his rates or not. But such a person might not be a *bond fide* ratepayer; there might be a collusive occupation; the landlord might let the house to any number of lodgers, without any description of property, and yet they would be entitled to the exercise of the franchise. He did not know whether his hon. Friend proposed any qualification to that; but, if not, why did he not go with the hon. Member for Nottingham the whole length of universal suffrage? His hon. Friend said, that all he proposed had been the recognised right of voting in many of the ancient boroughs of the country; but the scot-and-lot right of voting was on the condition of payment of rates, which was taken to be evidence of ability to pay, and, therefore, of the possession of some property. But to proceed to the consideration of the proposed plan. The population of this country was about 17,000,000; and his hon. Friend



said the number of the electors for the united kingdom was only 800,000. [Mr. HUME: Striking off the double votes.] But he (Sir G. Grey) believed that by the last return laid before Parliament the number of the electors of Great Britain, exclusive of Ireland, was 944,000 out of an adult male population of about 4,500,000. He thought, therefore, his hon. Friend's statement was much below the number entitled to claim the franchise; but his hon. Friend took the number of houses in England, and said that each of those houses should give a vote. That would give a number of 3,500,000. Perhaps his hon. Friend would still further extend the franchise? [Mr. HUME: Yes, to females. They exercise it now at Greenwich.] He must doubt that last observation of the hon. Member's. His hon. Friend had gone on adding to his Motion. He began by placing on the paper a notice including four points of the Charter, with some qualification as to universal suffrage. In the course of his speech he spoke of the payment of Members of Parliament, and said he highly approved of it. Then, with regard to the qualification of Members, he said that, although he had not placed it on the paper, he wished it to be considered as part of his Motion, thus adopting the six points of the Charter; and now he proposed to extend the right to the franchise, which he said the ladies exercised at Greenwich, to women who contributed directly or indirectly to the taxation of the country. His hon. Friend said he was quite prepared to concede to them that right; and certainly, how he could, consistently with the principle he advocated, object to it, he (Sir G. Grey) could not understand. His hon. Friend spoke of the Reform Bill as a failure; but upon that point his hon. Friend differed from the hon. Member for Bolton, who rather appealed to the satisfactory results which had followed from it in the increase of the number of electors. And when his hon. Friend asked them to adopt a totally different basis as to the franchise, he would call his hon. Friend's attention to the increase in the number of electors in some of the most popular places since the Reform Bill passed. The statement was taken from a Parliamentary return. He found that in Lancashire the county constituency for both divisions was, in 1833, 16,632; in 1837 it was 27,445, and in 1846, when the last return was made, it was 35,476, showing a rapid increase in those few years. In the West Riding of

Yorkshire the constituency was, in 1833, 18,056; in 1837, 29,076; and, in 1846, 36,165. In Liverpool, in 1833, it was 11,281; in 1837, 23,819; and, in 1846, 27,404. In Manchester it was, in 1833, 6,726; in 1837, 11,185; and, in 1846, 14,841. That showed, at all events, that those excluded classes of which his hon. Friend had spoken, had the power, by their industry and exertions, to rise in the scale of society, and acquire those rights which were not placed beyond their reach, but which were a stimulus to their exertions, at the same time that they furnished them with their reward. His hon. Friend had also spoken of some of those who did not possess the elective franchise, in a manner which gave him (Sir G. Grey) great surprise. He was sure his hon. Friend's object was not to excite discontent in the country; and there was no evidence of that discontent in the districts to which his hon. Friend had referred. His hon. Friend spoke of those who did not possess the franchise as being slaves and bondmen; he told them of artisans who were earning from 1*l.* to 2*l.* a week giving their active assistance in maintaining the law in the country, but saying, "We have no share in the benefits of these laws. We are out of the pale of the constitution. All we have to do is to pay taxes." He (Sir G. Grey) would ask whether that was a fair or correct description of the great body of the people who even under the present system did not possess the elective franchise? Did not the artisan who had not the elective franchise enjoy the same protection for his life, his liberty, and his property, which the possessor of the franchise enjoyed? He did not say that that was a reason why he should be excluded from the elective franchise; but the inestimable benefits of our constitution were conferred on all classes of the community, and, whether they had the elective franchise or not, they were not in the condition which his hon. Friend spoke of as applicable to them. His hon. Friend said, his great argument at the present moment was, that the constitution which the Government had proposed should be granted to the colony of the Cape of Good Hope. He would ask whether there was any analogy between this country and that colony upon which to found any reasonable argument to induce them to adopt the hon. Gentleman's proposition? The constitution for the Cape of Good Hope provided for a second chamber based on election. Would his

hon. Friend adopt that in this country? If his hon. Friend's argument were good for anything, was it not good for that? Would his hon. Friend follow out the analogy and make the hereditary House of Lords give way to an elective body? [Mr. HUME: I should not object to it.] His hon. Friend was perfectly fair and candid, and if the House adopted his proposition they would do so with the knowledge that his hon. Friend had no objection to household suffrage, to the ballot, to triennial Parliaments, to the payment of Members; that he had no objection to extend the franchise to women; that he had no objection to all the six points of the Charter; and that he did not object to an elective House of Lords. He did not think that his hon. Friend would be a safe guide for that House to follow when they came to remodel our constitution. With regard to the other parts of his hon. Friend's Motion, with the exception of one, to which he would presently advert, it was unnecessary for him to occupy the House; but he would remind them, as to triennial Parliaments, of the decision which the House came to last year on the second reading of a Bill upon that subject, when the House, having the opportunity of reconsidering that question, by a large majority expressed its opinion that it would not be conducive to the progress of useful legislation and to those interests which they were sent there to promote, if elections were so frequent as every third year. Both upon that subject and the ballot, the House had last Session expressed their opinion; and when they were again brought forward, he should be prepared to meet them; but as they had not been prominently brought forward on this occasion, he did not consider it necessary to go further into that part of the present Motion; but there was one part of the Motion to which his hon. Friend in the course of his speech had frequently adverted—he meant the latter part of his resolution, by which he proposed “that the proportion of representatives be made more consistent with the amount of population and property.” His hon. Friend, in one part of his speech, disclaimed the notion of electoral districts; but his argument, and still more so that of the hon. Gentleman the Member for Bolton, seemed to him (Sir G. Grey) to point to such a scheme. With reference to the suggestion of a combination of electoral boroughs—such as existed in Scotland—he would not now express an opinion; but he believed that any system

by which the country would be divided into electoral districts, and by which an equal number of electors would return an equal number of representatives, would deprive them of the advantages they now derived, from the variety of modes in which Members were elected, and the security thus afforded that various interests of the country were represented, and which he believed it would be impossible to obtain under any system of electoral districts. He did not say that there might not arise a case in which alteration might be requisite as to the number of Members returned from any part of the country; but if the basis of his hon. Friend's proposition of last year were taken as that upon which he would change our representative system, they must either increase the number of Members to an extent that would be inconvenient, and make it impossible for them to discharge the functions of a legislative body, or deprive a portion of the constituency of their due share in the representation of the country. If the hon. Gentleman gave to the metropolis, and to other large cities and towns of this country, that proportion of Members of which he had spoken, he must either greatly increase the present number of which the House consisted, or he must diminish the number of representatives deputed by other parts of the country, and so very greatly alter the balance of interests which were now represented in that House. [Mr. BRIGHT: Hear, hear!] Of course the hon. Gentleman meant by his cheer that the interests of the country were not fairly balanced under the present system; and he (Sir G. Grey) would not now say whether this was so or not; but looking at the results of the Reform Bill, he was fully justified in saying that it gave large influence to popular places. It had introduced into that House many representatives of large constituencies, which before that Act had no right to return Members to Parliament, whose presence in that House had been of great benefit to their deliberations. But he was not prepared to say, that they ought to form the greater part of the representatives of the country, and to have their number increased to the exclusion of others who had an equal stake in the country, and who equally contributed to its general interests in the share they took as representatives of important interests in the deliberations of that House. He must say, however, that he heard with some surprise, from the hon. Member for Bolton,

that such was the present condition of this country that his noble Friend, to whom he paid a just tribute for the sagacity he had shown in his former measure of reform, was unable to propose any measure with any chance of success for improving the representation of any part of the country, however glaring the defects might be. Did the hon. Gentleman forget that there was then before the House a Bill for extending the franchise in Ireland? and one reason why he (Sir G. Grey) objected to the proposition of his hon. Friend the Member for Montrose, even if there were not those other reasons to which he had alluded, was, that if this Bill were brought in, that practical measure of useful and salutary reform for Ireland which was now before the House, and to which the attention of Parliament ought to be directed, as well as the long list of measures which the hon. Member for Meath had referred to the other evening as tending to benefit that part of the united kingdom, must be indefinitely postponed, and their time would be wasted in a profitless discussion of universal suffrage and the other points of the Charter. He therefore hoped the House would refuse to allow his hon. Friend to introduce his Bill, which he believed would tend to make that branch of the Legislature too purely democratic, and lead to its exercising more than its due share in the constitution of the country. He believed that if the Bill were passed, a democratic principle would be established that would be inconsistent with the harmonious working of the constitution; and, heartily concurring with his hon. Friend that they had reason to be thankful that they lived under a constitution of Queen, Lords, and Commons, and believing that this Motion would endanger that constitution, he asked the House to place its negative upon it.

MR. F. O'CONNOR said, that the right hon. Gentleman, like all Members of Governments, admitted the justice of the Motion, but said that the time was not yet come for granting the demands which it put forth. He (Mr. O'Connor) defied that House to continue as it was then constituted. Here on the bench which he then occupied sat the right hon. Baronet the Member for Tamworth, surrounded by the members of his party, and the party who represented the landlords. At the opposite side sat the noble Lord at the head of Her Majesty's Government, supported by his retainers; whilst the bench to the rear was occupied by Irish Gentlemen, who, when-

ever their services were required, or when the Ministry was in danger, rushed in to the rescue, heedless of the consequences to their country, provided they secured to themselves or friends places or patronage. That was the present constitution of the House; and he told those hon. Gentlemen who referred to the period of 1832, and the passing of the Reform Bill, that there had taken place a greater progress in the mind of the country within that period and the present than there had been in the previous century. He asserted that there prevailed more knowledge amongst the working classes of England than amongst the operatives of any other country. When the hon. Member for Monmouth insinuated that he (Mr. O'Connor) in his advocacy of the People's Charter had urged it too far, and excited the people to violence, he defied him to point to a word said or a line written by him (Mr. O'Connor) that encouraged the people to violence or insubordination. On the contrary, the greatest difficulty he had to encounter was to oppose those advocates who countenanced violence and revolution. He had ever supported the People's Charter, and ever would continue to support it, whether the measure of the hon. Member for Montrose should be successful or otherwise. But though he (Mr. O'Connor) was the reviled of all revilers, and though persons generally formed their opinions of his character from the writings in the public press, he would nevertheless defend that character, and stand by the principles of democracy to the last. The year 1842 had also been referred to; but it should be recollected that though he (Mr. O'Connor) had been made the scapegoat, it was the manufacturers that turned out their hands in that year, to carry by coercion the measure of free trade. He could not easily forget it, because he had been put on trial before a special jury for eight days, for having resisted an appeal to violence—at the end of which time he was acquitted; and three of the gentlemen who sat on his jury, magistrates, after his acquittal invited him to dine, and declared that though they went into the jury box prejudiced against him, every single prejudice entertained by them previously had been dissipated. He considered the Reform Bill as nothing; it was merely a “mockery, a delusion, and a snare.” What he wished to see was, that House constituted, as it ought to be, by the free will and choice of the great labouring and toiling people. However con-

tent hon. Gentlemen may be to see the House constituted as at present, yet, they might believe him, the day would come when the people would appeal with something more formidable than a petition. If they looked at the manufacturing districts, they would find the people possessing more knowledge, and a keener sensitiveness of the inequality they were made to feel, than in any of the continental towns, where unfortunately the people were never as well prepared for the reception of the changes which they sought as were the people of England. Much as had been laid to the charge of him, it could not be said of him—as could of the noble Lord at the head of Her Majesty's Government, and also of his party—that he it was who inverted the portrait of the Sovereign, with the executioner following armed with an axe, to terrify Majesty into a compliance with the demands of the people. Neither was it he who recommended the burning of Nottingham or Bristol; but it was easy to justify violence and crime when they were committed to uphold a powerful and influential class. It was not his intention to have spoken a single word, but to have voted on the question. He thanked the hon. Member for Montrose for having introduced the measure; and, however that hon. Member might revile him, or abuse him and his party in that House, he would ever continue to vote for his Motion, stand by the Charter, the whole Charter, and no surrender.

MR. W. P. WOOD said, that the right hon. Baronet who had answered the Motion of the hon. Member for Montrose had been singularly dexterous in the answer which he had given. The right hon. Baronet appeared to have been extremely disappointed that he could not deliver the same speech on the present occasion as he had delivered last Session upon the same subject, and caught with some ability at an expression which fell from the hon. Member for Montrose at the close of his speech, to the effect that he had no objection to doing away with the property qualification; and the right hon. Baronet was very desirous that the addition to that effect should be made to the Motion, as it would bring it one point nearer to the Charter. Not succeeding in that course, he proceeded to cross-examine the hon. Member in an extremely felicitous manner, and extracted from him sentiments in which he (Mr. P. Wood) confessed he not only did not concur, but to

which he was diametrically opposed, but which facilitated remarkably the endeavour of the right hon. Baronet to make this Motion assimilate in some degree to the People's Charter. The right hon. Baronet was also fortunate in being followed in his address by the hon. Member for Nottingham, who was the advocate of the Charter, and who endeavoured, upon his part, to assimilate the measures of the hon. Member for Montrose with his own. [Mr. O'CONNOR: Not at all.] He (Mr. Wood) fully expected that this would be the course taken by the opponents of this measure, and had therefore come prepared with the proposition of the hon. Member for Nottingham as made in the House last year. The Motion of the hon. Member for Montrose was simply—

“ That every man of full age, and not subject to any mental or legal disability, who shall have been the resident occupier of a house, or part of a house as a lodger, for twelve months, and shall have been duly rated to the poor of that parish for that time, shall be registered as an elector, and be entitled to vote for a representative in Parliament—

that votes should be taken by ballot—that the duration of Parliament should not exceed three years—and that the proportion of representatives should be made more consistent with the amount of population and property. Now, the Motion of the hon. Member for Nottingham was this:—

“ That this House, recognising the great principle that labour is the source of wealth, and that the people are the only legitimate source of all power; that the labourer should be the first partaker of the fruits of his own industry, and that taxation without representation is tyranny, and should be resisted; and believing that the resources of this country would be best developed by laws made by representatives chosen by the labouring classes, in conjunction with those who live by other industrial pursuits—that, in recognition of the above great truths, the House adopts the principle embodied in the document called ‘the People's Charter—namely, annual Parliaments, universal suffrage, vote by ballot, equal electoral districts, no property qualification, and payment of Members.”

That was the Motion which they were now told was precisely similar to that of the hon. Member for Montrose. Nothing could be more dissimilar than the two. The Motion of the hon. Member for Montrose proposed to base the right of voting on the old qualification of “paying scot and bearing lot,” while the other proposed the abolition of all property qualification; the one was in favour of triennial, the other of annual, Parliaments; one proposed to make the representation more proportionate to



the amount of population and property; while the other proposed, cut and dry, equal electoral districts. There was, therefore, irrespective of the sentiments elicited by the cross-examination of the hon. Member for Montrose, this very broad and marked distinction between the two Motions — that that of the hon. Member for Montrose was founded, not upon abstract rights, or the assertion of abstract principles, but upon what already existed in this country—upon existing institutions and the amelioration of them by measures of reform. He thought that it would be infinitely more for the satisfaction of the House, if, instead of Her Majesty's Government so frequently stating what it was they did not like in the way of reform, they would be kind enough to state what it was they did like. He and other hon. Members would be extremely delighted if Her Majesty's Government would bring forward some measure of reform, and he had no doubt that it would be thankfully accepted, even if it did not go to the full extent of the Motion now before the House. But why they were to be told, as they had been by the right hon. Baronet, that because there was a Bill before the House for the reform of the electoral system in Ireland, they were not to have one for England, was a species of Parliamentary logic which he confessed himself unable to understand. That which was good for Ireland must surely be good for England also; but it seemed that as with Chancery reform, so with political reform, the experiment must first be tried in Ireland. When hon. Members came to look at the Motion of the hon. Member for Montrose, they would see at once that the observations of the right hon. Baronet the Secretary of State for the Home Department had not the slightest application to the Motion. The whole of his observations were made with respect to the Charter, and that only. He (Mr. Wood) was quite ready to admit that they were bound in some respects not to confine themselves always to the mere literal words of a Motion. He confessed that he had not that prodigious power of abstraction which he had seen exercised by a learned and right hon. Gentleman in that House, by which he could wholly abstract the resolution from the Mover, from the large party cheering him on in the House, and the large expectant power without, and having as it were refined away the whole essence and spirit of the Motion, and brought it down to something like a *caput*

*mortuum*, then proceeded by some subtle alchemy to evolve from it the pure gold of charity or of justice. Still he thought that the line of demarcation between following a Motion abstractedly, and imputing to such Motion all the opinions and views of the Mover, was very plain. When a Motion was brought forward and supported by some large party who were actually bound together by some great political principle, advocating by their leader one single fixed point and principle, he thought it would require great powers of abstraction to separate the particular resolution from the party who held the opinions embodied in that resolution. Looking, then, at the result of the two Motions of the hon. Members for Montrose and Nottingham in the last Session, he found that there were 82 Members who voted for one, and only 13 who supported the other. If, therefore, out of the 82 who supported the Motion of the hon. Member for Montrose, there were only 13 who were in favour of the People's Charter, it was not fair to impute to the 82 Members, who, with the exception of the 13, had voted against it, the principles embodied in the People's Charter. But now was it safe to go on thus year by year with the Government contenting itself by opposing measures of reform, and bringing forward no plan of their own to obviate the difficulties which they constantly admitted to exist. During the vacation, there were some pleasing rumours that something serious was in agitation on this subject among the Members of Her Majesty's Government, and that the hopes of the country would no longer be disappointed with respect to their having a voice in the legislation of this country. These hopes, however, all evaporated when Her Majesty's Speech from the Throne simply announced a redress of grievances in Ireland. He rejoiced to see such an extension of the franchise as that proposed for Ireland; but if that was granted, could the Government resist much longer a similar extension in England? He implored the Government to consider the feeble line of policy which they had adopted. They were told that agitation was a curse, and it ought not to be persisted in. He had held himself aloof, perhaps with too great a coyness, from every species of agitation, and attendance at meetings for that purpose; but how could he much longer keep quiet when such a boon and premium was held out to agitation? It was a saying of Fox when proposing the Triennial Bill, that this country would never carry into

effect any improvement for the people until they had arms in their hands. Sir J. Macintosh also expressed similar opinions. It was said, also, by an individual who perhaps feared war as little as any person—the Duke of Wellington—that the Catholic Emancipation was granted in order to avoid civil war. The revolution in Paris of 1830, produced the Reform Act of this country, which was not carried till we were upon the very verge of revolution. The repeal of the corn laws, which was advocated first of all—not by cotton spinners and manufacturers, to whom the hon. Member for West Surrey always alluded in his speeches, when speaking of free trade, but—by a Gentleman connected with the aristocracy of the country, the hon. Member for Wolverhampton, who for several years brought forward the subject, but was seldom listened to with any effect in the House; a course of agitation then took place, but those who had influence upon both sides of the House could not be brought to concur in a measure for the total repeal of the corn laws until they were driven to it by a famine. Thus, it has always been—political convulsions, excitement, revolutions, civil wars, and famine occur, and then the measure is conceded. This was not wise nor prudent, nor was it pleasant to consider that they were always to be left till they got to the very edge of the volcano before some safety-valve should allow of the outbreak taking place, but happily, perhaps, not in our direction. He knew it might be said that there were no petitions before the House in favour of this Motion; but they surely could not infer from that circumstance that the people of England were indifferent to this great question. His great fear, he confessed, was, lest the people should be driven into the arms of the hon. Member for Nottingham, who, he was perfectly willing to believe, was not actuated by any improper motives, although he certainly conceived that he had most grossly deluded the people; and the House would have inflicted an equally gross delusion upon them, if they had agreed to the abstract preamble of the Motion of that hon. Member to which he had already alluded, one portion of which was, that taxation without representation was tyranny, and ought to be resisted, leaving it to the people to ascertain what kind of resistance was to be used. The Motion of the hon. Member for Montrose was perfectly consistent with the principles of the con-

stitution, and was the natural growth of it—a part of that living principle of the constitution which adapted itself to the habits of the people, to the laws under which they had lived, and the course of education under which their minds had been trained. Our neighbours on the Continent seemed never to be able to arrive at that truth; and that was the reason why all sorts of abstract nonsense was given forth in the Chambers of Paris and of Prussia, without any reflection as to what the antecedents were, what the people had been, or what they had grown to. It was impossible to form cut-and-dried constitutions. The wisest of all lawgivers, perhaps—Solon—was asked the question whether he had given the Athenians the best constitution? His answer to the question was, that he had given the best for them. Plato, Bacon, and Sir Thomas More, had all formed model constitutions; but they had all been most egregious failures. Jeremy Bentham, too, had the same monomania, and fancied he could ship out a constitution to the Brazils as easily as he could a cargo of merchandise. The same attempt had been made at New Zealand, which had also failed. [Mr. HUME: Oh, not by Bentham.] No, certainly not. Cut-and-dried constitutions were like cut-and-dried flowers, which might be stuck in the ground, but would not grow, as they had nothing which went before them, and would have nothing which would come after them. There were countries which were suited for republican forms, and others which would do with nothing but King, Lords, and Commons. What else could the United States have but a republican form of government when it was separated from the mother country? and Washington was wise in refusing to attempt to establish any other form of government in that country. So long as we had such a Sovereign upon the Throne as the present one—so long as we had an aristocracy which wisely knew when to make concessions, even against what they might consider right and just, but what others might believe to be their prejudices—so long as the Commons were animated by good sense and sound judgment in remedying any of the manifold defects which existed—so long would they continue to be safe under a Government of Queen, Lords, and Commons. Then came the question, when was it safe to trust a much larger number of the people with a voice in the representation? The proposition of his hon. Friend did not amount to

universal suffrage, but was that every man of full age, not under a disability, and with the qualification of residence and rating, should be entitled to the franchise. [Sir G. GREY: I thought payment of rates was expressly excluded.] Rating was included; and if a man were rated he was liable to pay. The proposition was none other than that laid down by the great lawyer, Blackstone, who started by saying that every man of full age and without any disability, had, *primâ facie*, a right to vote, and then went on to make out his qualifications, and said, that in order to ensure their intelligence it was necessary to have some criterion, and property was decided upon as that criterion. The principle was therefore precisely the same as that of the hon. Member for Montrose, although the amount of qualification might not be the same in both cases. But could the present state of things continue much longer—a state in which there were 4,500,000 of grown-up men, of whom 900,000 only were entitled to vote, and that number including the double votes? Could it be supposed that out of the remaining 3,500,000, there were not men fitted to have the suffrage? And if fitted to exercise the suffrage, could it be supposed that they would remain long tranquil under the exclusion? It was impossible. The development which had taken place with respect to intelligence and instruction in this country since the passing of the Reform Bill, rendered it impossible. During this period not less than 1,500 new churches had been erected, and he should be ashamed of the result of erecting these edifices if they had not done something towards improving the habits of the great masses of the people. Great efforts had also been made both by the Church and the various bodies of Dissenters towards improving the education of the people, the National Society alone not having less than a million of children receiving education in schools connected with their society. The 10th of April had been referred to by the other side of the House *ad nauseam*, and he thought that they had now a right to refer to that day as proving, in some degree, the fitness of the great body of the people to be entrusted with the franchise. We ought to be thankful that we lived in a country where there were not only country gentlemen and manufacturers, but industrious mechanics and hardworking labourers, among whom were men of the highest intelligence, and whom he should wish to

see, not regarding themselves as an excluded order, and banding themselves together to force from the excluding classes a recognition of their just rights. The proposition of his hon. Friend strongly recognised the principle of locality and a communion of interests by the twelve months' residence; and, on the whole, he believed that the measure was one which would aid the fair and true working out of the constitution. It had worked itself out from the beginning. We had gone on, by a series of steps, working it out. There was that old sturdy Saxon element of freedom always at the bottom, remaining with us, and characterising alike our institutions and their nomenclature. Our aldermen in the municipal corporations, our sheriffs in the counties, were alike of Saxon origin. The barons' wars had reduced the monarchical element, and the wars of the Roses the aristocratical element. The civil wars in the time of Charles the 1st brought forth the energy of the English country gentlemen; and he (Mr. Wood) could admire that character, whether in a Falkland or a Hampden. It had been a long struggle, but the end was being gradually attained, and it was his firm belief that the measure before the House would tend to consolidate the interests of all classes, and to encourage a friendly feeling between the landlord and the tenant, the employer and the employed. The principle of locality was strongly marked in the constitution of this country; and in the course of the cross-examination to which he was subjected, his hon. Friend the Member for Montrose said that if he were to mark out a district, he should prefer the district over which the poor-law union extended. He (Mr. Wood) was much inclined to look with favour on such a proposal. The political unit of the English constitution was the parish and the vestry, which exhibited the first example of political government. He believed that the measure before the House would be a fair and true working out of the constitution of this country. It was his opinion that the Motion would tend to conciliate all those interests which depended upon the relation between the employer and the employed. There would be another opportunity for discussing the question of the ballot; but still he must say that he considered the success of this part of the Motion to be important, because the ballot would be sure to increase the friendly feelings of parties. Before he sat down, he wished to ask the

House if it thought that we were in a safe position with reference to the basis of the property in the representation of the country? It was said on the other side of the House that the Motion gave everything to numbers, and nothing to property. But as matters stood at present, 6,000,000*l.* of property was represented by one-half of the Members who sat in that House, and 78,000,000*l.* by the other half. To talk of the representation being based on property was therefore a delusion, and the people of this country would never be satisfied with it. The friends of the Motion, however, were not bigotedly attached to this particular measure. It was, he believed, the wish of the considerable minority who had supported the Motion made last year, to impress upon the Government the necessity of carrying into effect a reform in our system of representation. They had no wish to force a party into power, but to enforce their principles upon the Government. It had not been the lot of the late Sir Samuel Romilly and Sir James Macintosh to live to see their great reforms carried into effect. We had, however, in our day, seen large measures of reform conducted to a triumphant conclusion, and he firmly believed that that same principle of justice which declared that it was impossible with safety to exclude such numbers of the community, and such an amount of property, from their fair share in the representation of the country, would ultimately prevail, and occasion those measures to be effected which he heartily wished the Government would take upon themselves forthwith and immediately to carry out.

MR. DRUMMOND said, he could not concur in the sentiments expressed in the able speech which they had just heard from his hon. and learned Friend, in which he said that he entertained an equal admiration of talent wherever it might be employed. He (Mr. Drummond) felt a thorough contempt for talent, as for any other great quality, except with reference to the way in which it was employed. And when his hon. and learned Friend said—in reference to observations made the other night—that he was sorry to hear that class was set against class, his answer was, that classes had been so set against one another by professional agitators, who went about the country disseminating ill feeling by falsely declaring that the landed aristocracy in Parliament, who had possessed power for centuries, had

used that power to enhance their own fortunes. With respect to the question before the House, he felt sorry that the noble Lord at the head of the Government had not fulfilled expectations, and conferred upon England a similar boon to that which he was about to confer upon Ireland. He regretted the hon. Gentleman who brought forward this Motion had not confined his Motion to an extension of the franchise, for if so he would have given him his support. He felt sorry to believe that, not only would this Motion be in time carried, but much worse Motions. It might be true that upon the present occasion the Motion would be lost, and that upon succeeding Motions of this kind there might be, from a variety of motives, a preponderance of "Noes" over "Yeas," but, sooner or later, every word of that Motion would be carried. They had now come to the reaping time of the seed long since sown. The hon. Gentleman the Member for Montrose had reminded them that for 150 years the Whigs had toasted the health of the people as the source of all legitimate power. The true Whig meant this sentiment with a reservation—by the grace of Brookes's Club—and was exceedingly indignant when the same sentiment was propounded either in the Reform Club or in the Manchester School. But he hated both sections—the real and the pretended—of democrats as cordially as he detested their sentiment. The truth was, the Whigs originated and kept up agitation as long as it suited their purpose—that was to say, until they got into power—but not an hour longer, when they became good Tories. So soon as the Whigs got into place, they turned round and decried agitation. He was not going to vindicate the Tory party, for it was not necessary to do so, since the most perfect triumph of Toryism was seen in that the Whigs had been obliged to adopt the very measures which they had abused when out of office. Did the memory of the hon. Gentleman who spoke early in the debate fail him when he spoke of the Whigs? Had he forgotten that they defended the murderers of a King and Queen—that they upheld the mutiny of the Nore; and was not Parker as bad as Smith O'Brien? There was not one enemy of the public peace throughout Europe that was not defended by the hon. Gentlemen now. If the Whigs were out of office again, they would probably adopt the same principle. The difference was only in de-



gree. Through means of the Reform Bill, they wreaked their vengeance on the party which they had displaced, and in order to do this effectually they did not hesitate to violate the constitution—they turned the Throne into a President's chair, and that was all Queen Victoria sat in. ["Oh, oh!"] Yes, hon. Gentlemen might say "Oh;" but, in point of fact, the Queen of these realms possessed less power than the President of the United States or of the French Republic. ["Oh, oh!"] Well, but he should like to see the faces of those hon. Gentlemen who cried "Oh," after the Queen had put her veto on a Bill they had sent up. The Reform Bill, said those Gentlemen, is a failure. Very probably. But why? Because the people expected from the Reform Bill more than any Act of Parliament could give, and because they had taught them to expect something new and extraordinary. Give another Reform Bill now, and the people would, after a little time, be just as discontented. They were going upon a wrong tack altogether. A year or two ago they were angry with the Chartists, and even hon. Gentlemen opposite were not so much in love with them as heretofore, when the head of the Reform League perambulated the country hand in hand with the Gentleman whom not long since they repudiated. ["No, no!"] Why, but you appeared with him at Aberdeen and in other places, and once more they were hand and glove with him again. Formerly, when hon. Gentlemen were rebuked for their seditious and exciting speeches, they indignantly scouted the remonstrance, and asked if they were not as loyal as their opponents; but now one of the most powerful and able supporters of this measure had said that the constitution of Queen, Lords, and Commons, was one of the grossest humbugs that ever existed. The right hon. Gentleman the Member for Manchester looked quite astonished, and with great *naïveté* opened his eyes, as if he had never heard such a thing from his Colleague. But it was quite clear that the object of hon. Gentlemen opposite was the establishment of a pure democracy—[Mr. O'CONNOR: Hear, hear! ]—and it was not disavowed by one "honest man at least." It was quite clear what they were driving at. The question before the House was not the carrying of this Bill, or a portion of its provisions, but the question really before the House was the establishment of a pure democracy. [Cries of "No, no!"] Some hon. Gentlemen op-

posite might affect dissent, but he observed that there was at least one honest man who did not disavow it. He only wished others were equally candid. That hon. Gentleman, in the course of the debate upon this subject last year, held up France as the object of our imitation. [Mr. HUME: Only as to the suffrage.] As you please. And what is the grand effect of the suffrage in France? Why, that the peace is preserved, and preserved only by 600,000 bayonets. The public peace of France would be preserved only as long as Socialist principles were kept out of the way. When the French army become as inoculated with those doctrines as the mass of the people, there would follow a scene of universal carnage. Hon. Gentlemen opposite did not wish such disaster. Very likely not. But what signified their wish? If they had not sense enough to see an inch before their nose, they must abide the consequences of their short-sightedness or wilful blindness. Did they suppose that, having sown the seeds of popular ambition, they could prevent their growth—did they suppose that, after zealously preaching those democratic doctrines, they could stave off their operation? He believed there was no Gentleman opposite who would not do his utmost to prevent the results he had mentioned. He did not believe there was one among them who had not as great a dislike to confusion, bloodshed, and violence, as he had. He was only speaking of the necessary consequences of their measures. They wished to establish a system of universal equality. Where would they find it? Did not all nature tell them that no such thing existed? Would they not learn from the vegetable or the animal kingdom—the lowest order of plants, or the highest order of animals—in the celestial spheres, as in the terrestrial globe, was there not order, superiority, subordination—was the ant no wiser than the grasshopper, nor the beaver than the sloth? No, their system of equality would not do. It existed nowhere—it never did, it never would, it never could exist, until they had consigned to chaos, not only all the institutions of this, but of every other country. He must again express his regret at the conduct of the Government in this matter; he was sorry they had not taken the question into their own hands, and for this reason—because he was sure that, left to other guidance, the question would be conducted and carried with more violence. The noble Lord at the head of the Govern-

ment had, by his speech of last year, whetted the political appetites of the people, and excited their desires—he increased the danger without providing against it.

MR. ROEBUCK said, the House was indebted to the hon. Member for Montrose for bringing forward this question at the present time. The hon. and learned Member for Oxford had truly stated that we were in a state of perfect calm and quiet, and comparative comfort. The question was brought before the House unassisted by excitement out of doors, and he had hoped it would have been unopposed by prejudices within; but, although the world out of doors was calm, he could not say that the House, as represented by the right hon. Gentleman, had dealt fairly with his hon. Friend. The question, as stated by his hon. Friend, was simply this:—He said that they had, from time to time, altered the mode of representation in this country; they had, from time to time, increased the number of persons electing Members of Parliament, and he proposed that that number should now be increased still more. How was that met by the right hon. Gentleman? The right hon. Gentleman dealt with the proposition of his hon. Friend very much like a *nisi prius* lawyer. He went round about it, and carped at it, and cavilled at it, but never met it fairly in front. He said that the proposition was opposed to the principles of the British constitution. Now, it had been his (Mr. Roebuck's) fate to search after that constitution, and he had never yet been able to find it. But he remembered a very remarkable instance of a direct change which was made in the principle of representation in this country—the author of which was the noble Lord now at the head of Her Majesty's Government—and in regard to which it was alleged at the time, and not contradicted, that it was wholly unknown to the constitution, and was then, for the first time, proposed to the House of Commons. What did his hon. Friend propose now? Did it in any way controvert the principles of the English constitution? The House of Commons in theory, though not in practice, was held to represent the whole people of England. He sincerely believed that the House of Commons, as at present constituted, did really represent, most faithfully, the passions, the feelings, the prejudices, the ignorance, and the good qualities of the people of England. He did not support this change because of any

defect of that kind. He did not support the Reform Bill of the noble Lord for any such reason. Neither could he understand the curious fancy of his hon. Friend—borrowed, he believed, from the noble Lord—that taxation and representation should go together. They never had gone together, and never would. These were not his grounds at all. He supported the proposed change because a large body of their fellow-countrymen fancied themselves aggrieved in consequence of not being represented in that House; and in 1830, when the noble Lord brought forward his measure, the classes who fancied themselves aggrieved were larger and more powerful than now. After the change effected by the noble Lord, the House was in justice bound to listen to the feelings of the unrepresented classes, whose generous aid had won for the middling class the power it now possessed in Parliament, on the distinct faith that the aid they had given would be remembered, and that the franchise would be given them by the reformed Parliament which had been refused them by the unreformed Parliament. He did not himself admit that the working classes, as the phrase was generally understood, had that interest in taxation, in the burdens, as they were called, of the country, which the hon. Gentleman imagined. As to the burdens of the country, they were not at all remarkable—they were much lighter than in very many other countries—the actual burdens of the people of England, in the shape of taxation, were practically much less than those borne by the people of the United States, and certainly much less than those borne by several nations on the Continent. But this was not the matter in hand. What he desired was, that there should not exist in the general population that feeling of discontent which now did exist; for, so soon as any calamity happened by which that general population should be raised up in anger against the rest of the community, the rest of the community would feel the whole strength of that discontent. If the general population did not soon learn that they were to be dealt with in an honest, fair spirit, they would not only listen to bad counsel, but they would act upon it. The right hon. Gentleman the Home Secretary was quite right in saying that there was peace, that there was security, that there was, in a great measure, good government in this country, so that a man could walk from John O'Groat's to

the Land's End defended by the law. To say that the labouring man derived no benefit from this good government was an entire mistake; but it was to be kept in mind that this good government resulted not from the constitution, not from the Legislature, but from the good sound common sense of the great body of the people. It was not that House that governed England; not at all. The people governed themselves by their own good sense and intelligence. Place the same forms of government in any country where the same national attributes did not exist, and the forms would be of no effect whatever towards producing the same result. What was wanted was, that the people should not continue to feel themselves in a state of degradation — of serfdom, as the hon. Gentleman expressed it — lest, feeling the discontent natural under such circumstances, feeling themselves degraded, serfs, robbed of their rights, they should proceed to act upon that feeling. He had not, like the right hon. Baronet the Home Secretary, any fear of the people of England. The noble Lord at the head of the Government had on former occasions urged the theory of a preponderance in that House of the landed aristocracy. [Lord J. RUSSELL: No, no! I never said that.] He spoke only from the published reports, and was sorry if he had misrepresented the noble Lord; but he thought he should be able, if he stepped into the library, to produce something like these very words. He would ask the noble Lord whether such was not the object of the Reform Bill he had proposed? The noble Lord at that time saw, of course, that the great commercial interests which had been making such way out of the House, must make their way also into the House. The hon. Member for West Surrey, who called a spade a spade, said the noble Lord and his party, having been so long out of power, determined when they got into office to wreak their vengeance on their opponents. The Whigs on coming into power in a time of great excitement wreaked their vengeance on the Tory party, and gave a preponderance to the landed interest. [An Hon. GENTLEMAN: No, no; to the mercantile and manufacturing interest.] The hon. and learned Member observed not at all. It was directly the contrary. The right hon. Gentleman the Home Secretary said that there was in that House a combination of interests, which, if destroyed, would over-

turn the constitution. [Sir G. GREY said, that he had stated that the House represented the varied interests of the country.] He acknowledged, with the right hon. Gentleman, that in one sense the House represented the people. The people might nominally be represented in that House, but the thing wanted was, that they should be allowed a direct representation, by giving the 2,000,000 or 3,000,000 enlightened Englishmen now without a vote, the right to vote, if they so liked, for A. or for B. Did the right hon. Gentleman the Home Secretary doubt the intelligence of the people of England? Not a bit of it. The right hon. Gentleman would be the first to lead a chorus of commendation on the enlightened character of the public mind. The right hon. Gentleman was ever ready to praise the people most eulogistically, but the moment it was suggested to give them the power for which by his eulogium he admitted them to be fitted, he got frightened. He (Mr. Roebuck) was not at all frightened about the matter. He was not at all afraid of his countrymen. He believed them to be a thoroughly superior, well-judging, calmly considering race. They were not of the kind we saw over the water; they were not to be influenced by any such influences as availed there; they knew how to govern themselves; they had what no other people except the Belgians had—a respect for the decision of the majority, and yielded to that decision, fairly and properly pronounced, without rushing to arms, because they found themselves in the minority. The right hon. Home Secretary could not make out a distinction between the hon. Member's proposition and universal suffrage; he (Mr. Roebuck) had, so far, no apprehension about universal suffrage, but there was the clearest distinction between universal suffrage and the franchise advocated by the hon. Member for Montrose. First, the proposed voters must be men free from the conviction of crime; more than this, they must be dwellers in a house, either as lodgers or as occupiers; more than this, they must establish their particular identity, so that Tom Smith might not be confounded with John Smith, an identification to be effected by registration; more than this, vagabonds, wanderers from place to place, without settled habitation, were guarded against by the requirement that each voter should be rated to the poor relief—a requirement modified with proper reference to the hon. Member's experience of the long contest about the

ratepaying clauses, but in no degree open to the utterly disingenuous interpretation of the right hon. Baronet. The right hon. Baronet must know that it was not designed for the hon. Member for Montrose, as he suggested, that twenty men should vote for one person rated and paying rates. The right hon. Gentleman wanted to make out, that because the hon. Member for Montrose proposed that all men above 21, subject to his various qualifications, should vote, that this was universal suffrage; the right hon. Baronet took no heed, in his notion of universal suffrage, of more than half the population—women—of the large number of males under 21, of the large number of other males disqualified under the hon. Member's own proposition; but raising the cry "universal suffrage," at once concluded that what were called the labouring classes would forthwith become preponderant in the House of Commons; and, because preponderant, would very soon do away with the House of Lords and Queen—a picture of course most alarming to every loyal mind. What was meant by the labouring classes? When did a man come within the category? Where was the line of demarcation between the labouring population and the non-labouring? Would the hon. Member for Nottingham favour the House with a discriminative definition? Was the little shopkeeper, who got up at six o'clock in the morning, and shut up late at night, and charged 100 per cent on his goods for his amazing labour in running up and down behind the counter—was he, with his vote, as a 10*l.* householder, within or without the category? Or was the hon. and learned Member for Oxford, rising early, and working all day, and half the night—was he a labouring man or no? Or, rather, was not the whole character of the entire country as one piece of paper, shaded all over with the shade of labour, darker here, and lighter there, it was true, but still all shaded, except, perhaps, where the House of Lords occupied one small spot of light. Where, he would ask, on this dark page of work, all occupied with labour, from the lowest operative labour to the highest intellectual labour, even up to that of the noble Lord opposite, where were you to begin to mark out the labouring class? The mischief arose, in great degree, from putting under one name classes wholly various in position, interests, everything. It was an idle bugbear, this alarm about the labouring classes, and the sooner we got

rid of it the better. Never was there a truer observation than that made by the hon. Member for West Surrey, that this Motion must come to pass. He had found fault, however, with all parties for not arresting the danger which he apprehended. The hon. Gentleman said the Whigs for a century and a half were preaching revolution, and the hon. Member for Montrose was now preaching revolution, and added, that the Whigs supported Parker when he was at the head of the mutiny in the fleet; but he did not say that any one had supported Smith O'Brien. He (Mr. Roebuck) said, with the hon. Gentleman, that the change must come; but he wished that it should not come with the whirlwind, the storm, and confusion, but he called upon the House to accept it, not as a painful necessity in a time of trial and difficulty, but as one of those alterations which afforded a specimen of the living vitality of the British constitution. It would be one of the noblest examples in the full page of our annals that our people should thus rise, not in the terrific majesty of mad, armed violence, but in the simple, plain, benignant majesty of improvement and intelligence. They should teach the people of England by deeds that they were their friends, not only to make them happy in that state of life to which it had pleased God to call them, but to lift them up to a level with themselves, and not to fancy that they were raising themselves by keeping down the people. He did not mean equal in the sense of the hon. Member for West Surrey. He had no desire on the part of the people to invade the peculiar domain of gentility—or whatever higher ground the hon. Gentleman fancied—asserted by the hon. Member. The people could get on very well without it. All they wanted was to be practically equal before the law. They wanted that not 1,000,000 out of 4,500,000, but that the 4,500,000 should have the right to vote for their representatives in Parliament. Not that he himself considered their not having a vote in itself a degradation; he had, he believed, a vote somewhere or other, but he had never voted for anybody in all his life, and he thoroughly believed that, give these other millions a vote tomorrow, the chances were they would not use it; but, even were it so, this would be no answer to him. The point was, that they were discontented because they had not got it, and that it was eminently desirable and expedient, and proper, to re-



move that ground of discontent. There would be no danger in the change, even were universal suffrage introduced: the right hon. Baronet the Home Secretary might derive infinite comfort from the example of the French National Assembly. That Assembly was elected by universal suffrage, and where would you find so conservative a body? The right hon. President of the Board of Trade shook his head; he meant to convey, no doubt, that there was a difference between universal suffrage in France, and universal suffrage in England, by reason that in France the land was divided among an infinite number of proprietors. He had no wish to force his opinions upon any one; but he desired that the middle classes should thoroughly understand that there was no danger in the proposition now brought forward, for endowing a large section of the labouring population with the power which they themselves possessed. He thought, if they recollected all the antecedents by which that House had been brought together, they ought to be anxious to confer this power upon the labouring classes, because those classes had enabled them to force upon the aristocracy the Reform Bill which was proposed by the noble Lord the Member for the city of London. The noble Lord knew as well as he did, that they forced that Bill upon the House of Commons and upon the House of Lords. It was idle to deny that measure was a revolution. It was a revolution, and a very beneficial revolution. An hon. Gentleman shook his head. It was curious that a large portion of the opinions of the hon. Gentlemen were quite in accordance with those of that very class who were so much represented on the opposite (the Ministerial) benches. But the hon. Gentleman, who contradicted everybody, contradicted himself. The Reform Act was a revolution. It was brought about by a feeling which was kept up, maintained, and cherished by the noble Lord and his colleagues, and those who supported them. The time was past for any hiding of that matter. If ever there was a revolution, that was one—a quiet and calm revolution, as it happened, but one which he never wished to see repeated in this country. He never wished to bring the vessel so near the rocks again. A few hours, and they might have been in a violent revolution, instead of a peaceful one; and he entreated the noble Lord opposite and his colleagues, as well as hon. Members on

that (the Opposition) side of the House, to be careful how they again resisted so long as they resisted on the occasion to which he referred the fair, and honest, and just desires of the people, and to beware that they did not lead them into a daily revolution.

LORD J. RUSSELL: Mr. Speaker, before I address myself to the Motion of the hon. Member for Montrose, it will be necessary for me to say a few words respecting the motives and conduct of those who brought forward the Reform Bill. The hon. Member for West Surrey has chosen to say—but it is not an original observation on his part, though he certainly is not wanting in originality—that the Whigs when in power have immediately become Tories, and have acted upon the principles, which he considers right principles, by which Tory Governments have been guided. But it was somewhat difficult for the hon. Gentleman to make the bringing forward of the Reform Bill tally with his notions either of Tory government or of right principles; and, therefore, he fixed upon the ingenious device of inventing a motive by which he asserts we were actuated, and he alleges that we brought forward the Reform Bill in order to take vengeance on our opponents. Now, a more unjust remark never fell from any Member of this House. The hon. and learned Gentleman who last spoke has begged me, and those who act with me, not to repeat the resistance we made for a series of years to a reform in the representation. The plain truth is known to many who recollect, and to anybody who will read it, that for a series of years we brought forward and supported Motions for reform in the representation. I myself, from 1821 to 1830, made repeated Motions asking this House to grant a reform in the representation. But, if I feel it somewhat necessary to vindicate myself, I cannot refrain—though it is certainly unnecessary—from saying a few words in defence of the chief under whom I had the honour to serve, and under whose auspices the Reform Bill was proposed and carried. My Lord Grey, throughout his political life, had brought forward and supported Motions for a reform of the representation. In 1810, Earl Grey, then a Member of the House of Lords, at a time when reform was not a very palatable or favourite topic, declared that, though his original plans of reform had been modified—though his ardour had been abated by age and experience—yet, even in those

days, when reformers were few in number, and were generally calumniated and held in low estimation, that he still held to the main doctrine with respect to a reform of Parliament. Then are we to be told that Earl Grey, who for years together asked this House to consent to a reform of the representation, and who, when he came into power, immediately set to work to frame such a plan as he thought might be carried, and might be of great benefit to the country; are we to be told that he and his Colleagues took that course merely to wreak their vengeance upon their opponents, and that they were actuated merely by party motives? That may be a very ingenious suggestion of the hon. Gentleman; it may do great credit to his invention: but anything further from the real fact could not well be stated or imagined. I come now to the question which the hon. Member for Montrose has brought before the House; and I must say I think my right hon. Friend the Secretary of State for the Home Department has been somewhat ill-treated by those who have accused him of misrepresenting or misconstruing the Motion of the hon. Gentleman. The hon. Member for Montrose has stated that he is himself in favour of the principles of what is called "the People's Charter," that he thinks every man ought to have a vote, and that he considers that those who have no vote are absolutely slaves. He proposes, accordingly, not only that every occupier of a house shall be admitted to a vote, but that every lodger may be rated upon application; and on being rated—but without the payment of rates, which the hon. Gentleman expressly excluded—shall be entitled to vote in the election of Members of Parliament. My right hon. Friend says, that that is evidently a franchise disjoined from property; that the constitution of England has hitherto united, not in every case certainly, but as a general rule, property with the right of voting; and that this would be a great change and innovation upon that principle. The hon. and learned Member for Oxford turns round and says, "You have completely misconceived or misrepresented the Motion. It does not propose to admit every man who is a mere lodger, or the occupier of a room in a house, to the right of voting. We require twelve months' residence, and that the voter shall be rated according to law." But, if that is the meaning of the hon. Member for Montrose, what becomes of his assertion that every man who has not a

vote is a slave? Either the hon. Gentleman proposes a Motion so extensive that, if it is adopted, there can be but a very small class of the people who could be regarded, as he terms it, in a state of slavery; or it is a Motion giving only a restricted suffrage, and in that case he leaves a great number of the people in this state of slavery. I do not see, vaguely as he has framed his Motion in past years, and vaguely as he has stated it to-night, how he can avoid one consequence or the other. I understood him to say, that if his Motion were adopted, out of 4,000,000 of the adult males in Great Britain, 3,000,000 would have votes; but if there is to be a restricted franchise, he loses altogether the benefit of delivering from slavery the great body of the people. The hon. and learned Member for Sheffield says, "I do not find fault with the present representation as not being a representation of the wishes, the interests, the passions, and the feelings of the people; but there are great numbers of people who are excluded from the franchise, and it is in order to content them that I shall vote for the Motion." Well, if that is the ground upon which the hon. and learned Gentleman gives his vote, I say that, unless he gives the franchise fully and completely at least to adult males, he must totally fail in his object; for, however unpalatable it may be to a man to find that he is excluded from the franchise, because only one in every four adult males have the right to vote, it would, I think, be still more painful to him to see that the three others had the right of voting, because he, the fourth had not, the exclusion in that case being the more apparent. With regard to the question of taxation and representation, referred to by the hon. Member for Montrose, I do not think we are either of us in error as to the general theory of the constitution, though I differ from him as to what has been the practice. I imagine the meaning of the declaration so repeatedly made, that taxation and representation should go together, is, that the King did not in ancient times, since the commencement of our representative constitution, levy taxes by his own authority as sovereign, but that he called the representatives of counties and boroughs together; that he took their assent as the assent of the people at large; and that from the beginning of our representative history—with exceptions which were denounced in the Petition of Right—the prin-

ciple has been that all taxes were levied with the assent of the representatives of the people in Parliament. It is, however, quite another question whether that general maxim means that every one who is subject to any tax should have directly a vote for a representative; and in that sense the maxim never has been carried into effect. Whether you had the county franchise of all the tenants who held immediately from the Crown; whether you had the freehold franchise, or the suffrage by freemen, in certain cities and boroughs, it is quite evident that at all times of our constitution there were numbers of people subject to taxes, and affected by taxation, who had no direct votes for representatives in this House. When Lord Camden declared that taxation without representation was tyranny, he did not deny the right of this House to tax the people of England and Scotland, though many of the people had no votes for Members of Parliament; but he declared that imposing a tax upon America when America had no right whatever to send representatives to the British Parliament, and did not send them, was plainly and obviously tyranny, as it violated the great principle of our constitution, that taxation and representation should go together. I deny, then, that that maxim was meant to be literally carried into effect with regard to every person subject to taxation; but it meant only that the House of Commons constituted legally and virtually the representatives of the people, and that in the name of the people they granted taxes and subsidies to the Crown. If I am right in these general maxims, I think I shall not be wrong in asserting that on this point we did not deviate from the principle of the constitution in the proposition we made in the Reform Bill. Believing that the time had come when men would not consider themselves fairly represented, when a park in one place, a green mound in another, or a town that had been destroyed by the sea some centuries ago, sent Members to Parliament, while the great seats of manufactures, such as Manchester, Leeds, and Sheffield, had no representatives in this House—believing the time had come when that unreal representation would no longer be tolerated, we proposed that there should be a change which would bring the representatives of the people more directly to represent the people, and to reflect their opinions and interests in Parliament. But we did not pretend to destroy all that existed. We

respected the prescription which gave to certain boroughs the right of sending Members to Parliament, when a body of electors, though small, could be found to send such representatives. We did not attempt to say that we should make such an exact plan of a constitution as the hon. and learned Member for Oxford has very properly reprobated. We believed, as it was well stated by Lord Holland, in a letter, I think, with respect to a constitution for Naples, that to attempt to frame a constitution for a nation, and to expect that that nation would at once be fitted for it, was as absurd as to attempt to build a tree, or to manufacture an animal. We did not, therefore, attempt to alter the great outline of the representation; but that which was utterly defective—the mere nomination instead of representation—we put away, and the great seats of manufacture, which before had no representatives, were admitted to send Members to Parliament. The hon. and learned Gentleman has said that in doing so we endeavoured to create a preponderance of the landed aristocracy in this House; and he represents me as having asserted that I actually had that object in view. Now it certainly was our object, in that great destruction of small boroughs, not to make any unfair distribution of the new representation; and while we proposed that many towns not hitherto sending Members should return representatives to Parliament, we likewise proposed that many counties should send additional Members to this House. In so doing we distributed the representation fairly. I was asked, during the discussion on the Bill, whether it was not true that we had utterly destroyed the landed interest, or some phrase of that kind—whether, as Lord Ashburton once termed it, we had not taken the representation from the barley-field, and given it to the coal-field. I said, so far from that being the case, that it would be found, when Parliament assembled, that the landed interest would have a preponderance. I did not mean to say—nor did I say—that it was our object to give that interest a preponderance; but I believed that, distributing a new representation fairly between the commercial and manufacturing towns and counties, the landed interest was at that time so strong in the country that a fair representation of the people at large would give a preponderance to that interest. I am sorry to be obliged to allude to these matters; but there are so

many misconceptions, and so many mis-statements, with regard to the Reform Bill and its objects, that I am obliged, from time to time, to explain what really happened, and what were the real views of the Government. I should have thought it very unjust if we had proposed merely to extend the representation to a considerable number of manufacturing towns, without taking into consideration the growth of wealth and population in the counties. The hon. Member for Montrose begins by proposing that every man of full age, who is the occupier of, or a lodger in, a house, although he may not pay any rates or taxes, shall have the right of voting for representatives in Parliament. Now, it appears to me, that if the hon. Gentleman were to succeed in carrying out that object by Act of Parliament, the plan would be open to innumerable frauds. I cannot conceive how means could be taken to prevent any number of persons from being placed upon the register as rated householders, though, according to the present law, they had no claim or right to be so placed. Take the case of a house in which there are six or seven lodgers, but the owner or occupier is rated for the house and pays the rates. The lodgers are not rated; they have nothing to do with the payment of the rate; but according to the proposal of the hon. Member for Montrose they might all be placed upon the rate-books on their own demand, while the obligation of paying the rates would still devolve upon the occupier, who would remain in the position in which he at present stands. This certainly is as near to universal suffrage as any species of franchise can well be that does not openly profess to rest on that basis. But then we have the hon. Member for Montrose avowing that he is in favour of the People's Charter; we have him declaring that he holds those doctrines respecting Parliamentary representation which the partisans of that Charter proclaim at all public meetings as theirs; and thus he appears before this House professing to pursue the same objects and working for the same ends. Then how am I to distinguish the one from the other? How am I to separate his plan of Parliamentary reform from the plan of those who insist upon the adoption of the People's Charter? The hon. and learned Member for Sheffield has complained of us as having no confidence in the people. He has asked us why we should distrust the people—why not ad-

mit them to the privilege of voting for Members of this House? Now it would seem very ungenerous in me if I were to say that I had not full confidence in all classes of the community. I do feel in them a great deal of confidence. But in noticing this part of the subject, I cannot avoid recalling the attention of the House to the observation with regard to the people which we have just heard from the hon. and learned Gentleman. He told us that when anything was said on one side in praise of the working classes, it was immediately echoed from the other side in the warmest manner. I beg to say that I believe that is done with perfect sincerity. My deliberate opinion is—and I have always expressed it—that in all the relations of life the working classes of this country are, as to their general conduct, worthy of the highest commendation. But does it from that fairly follow that if the suffrage were rendered universal—that if every adult male in the country possessed the power of voting for the Members returned to this House, their choice would always be the wisest? Does it follow that, because they desire, and perhaps in a certain sense deserve, to enjoy the privilege of sending Members to this House, they must, therefore, be competent to form sound opinions on all the great questions which come before us relating to the empire, to the preservation of the constitution, the important subjects relating to colonies and commerce, and the various other difficult matters which come before this House? So far from thinking them competent to such a task, I do believe that many of them would be misled—that most of them would be deceived by the people who would tell them that they were unjustly paying interest to the amount of 20,000,000*l.* or 30,000,000*l.* per annum upon a debt that was in no respect national. They might be told that it was a debt which they were not obliged to pay; that if they repudiated it they might get rid of 20,000,000*l.* of taxes; and men who in such language addressed the working classes might obtain seats in this House on undertaking to urge such opinions. Then there are those who would tell the people that they ought to go for a repeal of the new poor-law, and, having accomplished that object, that they ought to have recourse to the old poor-law. Probably no one who knows the working classes entertains any doubt that such doctrines as those would have great weight



and influence among them; and if such is my opinion, it must be obvious to every one that I cannot agree to the propositions this night made by the hon. Member for Montrose. But hon. Gentlemen on the other side reproach us with measures that we have ourselves proposed, and tell us that we are guilty of inconsistency in not assenting to the propositions at present before the House—that the Irish Franchise Bill and the Cape Colony Bill are both founded upon principles not materially different from those which the hon. Member for Montrose has laid down. In the first place, as to Ireland, our measure proposes to give to 2,000,000 of adult population in that country a body of electors amounting to only 250,000, which regulates the proportion between the adults and the electors nearly according to the standard of England and Wales, and it is rather in favour of the Irish than in favour of this country; therefore that Bill can at all events form no precedent for the measure which the hon. Member for Montrose wishes to introduce. Then with respect to the Cape, that case appears to me to be equally unfortunate, for I think no one will succeed in maintaining that the qualifications of and the conditions under which a body of representatives in a colony are to be elected when they are chosen chiefly, if not altogether, for merely local purposes, are not widely different from those under which the Members of this House ought to be sent to Parliament. The local representatives of a colony like the Cape have no great questions to decide. They are not called upon to deal with such great imperial questions as come before the House of Commons; a different set of objects engage the attention, and a different class of representatives suit such a colony. The next complaint against us is that we do not carry out our own principles far enough—that we have given the right of voting to nearly all the householders in the kingdom—and that we ought to complete our own work. It has been well said by Mr. Justice Talfourd that the suffrage is enjoyed not so much by every householder as by every man whom a house holds. But I am at a loss to say how we can be fairly taunted with not acting up to our principles when our opponents do not bring forward a definite plan; for example, what does the hon. Member for Montrose intend to do with the cities and boroughs that at present send Members to this House? I confess that upon this, as upon other occasions, I

have found the explanation of the hon. Member by no means satisfactory. I can very well understand the plan of the hon. Member for Nottingham—I can understand the points of the Charter—that Charter which the hon. Member for Montrose has signed, and which it is understood that he was concerned in drawing up—I can understand all that the Charter demands about equal electoral districts, with populations of from 40,000 to 50,000—every inhabitant being entitled to a vote—a plan which is sufficiently intelligible; but I confess I do not fully understand the scheme of the hon. Member for Montrose. In the Charter, though very unlike our present system, there is still an apparent fairness and justice. But when the hon. Member for Montrose told us that there was a borough with 3,500 inhabitants, and here there was another with 200,000 with an equal number of representatives, he did not tell us how he proposed to remedy the inequality. The hon. Gentleman might, with the greatest ease, prove arithmetically that this was a very glaring abuse, and that it should be corrected, but he never told the House how the grievance was to be redressed; he never told us, as he might have done, that such evils did not constitute the sole inequalities of representation. We, in making the Reform Bill, did not flatter ourselves with the belief that we could, even if it were desirable, prevent all inequalities, and give exactly to every city and borough and division of a county the precise number of representatives to which its population might seem to entitle it. We may have left a borough with 100,000 population two Members, while we left an agricultural county with a population of 200,000 with only two Members also; though, if the strict rule of population were carried out, the county, with its 200,000 souls, ought to have four Members. Here we have Nottingham, with a population of 53,091, with two Members, and North Devonshire, possessing a population of 170,770, having also only two representatives. I hold in my hand a list which I will read of eleven towns, each with two representatives in this House, excepting Walsall and Kidderminster. They are as follows:—Nottingham 53,091, Preston 50,131, Leicester 50,733, Oldham 42,595, Wolverhampton 36,382, Bradford 34,560, Derby 32,741, Coventry 30,743, Stockport 28,431, Walsall 20,852, Kidderminster 14,399. The inequality in these cases is obvious enough;

but no one has yet told us how it could have been avoided. The aggregate population of those towns is 198,108, and they send twenty-four Members to this House—an arrangement respecting which I have not yet heard any complaint. Here we have Oldham with a population of 42,595, and Dorsetshire with one of 125,758, both returning to this House an equal number of representatives; Wolverhampton with 36,382, and Lincolnshire South with 135,978, returning each two Members; and now I will read the names and population of six agricultural counties, for the purpose of contrasting them with the towns to which I have just called the attention of the House, the population of all the boroughs within those counties returning Members to Parliament being excluded:—Devonshire, North, 170,770; South 207,541; Buckinghamshire, 78,524; Dorsetshire, 125,758; Lincolnshire, North, 175,841; South, 135,978; Norfolk, East, 115,545; West, 188,939; Essex, North, 154,828; South, 163,937. Every one will remember that the question of equality has often been warmly discussed; but I do not recollect any case in which there was a proposition for increasing the number of representatives possessed by the counties, and why not those as well as the towns, if the mere question of population were to be considered, and that alone? The hon. Gentleman seemed to think that was not the question. He took the great towns and boroughs, and appeared to think that they could not have too many representatives, but he provided no remedy for the case of the counties. Upon other occasions he had stated to the House why those by whom the Reform Act had been prepared, had given to certain great towns and to divisions of counties the number of representatives that they respectively possessed, and in referring to that I cannot help saying that if the doctrines of the hon. Member for Montrose, as far as I understand them, were carried out, they could be attended with no other result than this, that they would have the effect of increasing the divisions—I fear I ought to call them collisions—between the agricultural and the manufacturing interests. We thought, in framing the Reform Act, that by preserving in this House representatives of smaller boroughs which were surrounded by agricultural districts, we should soothe irritation, reconcile opposing prejudices, and, by such a plan, obtain the nearest possible approach to fair and equal representation. I have said already, and I now repeat, that

I do not understand the plan which the hon. Member for Montrose has three several times brought before the House: we have not yet been able quite to comprehend its scope and tendency; let it be explained to us, and then we shall be able to form something like a judgment. It was not in this way that I brought forward the Reform Bill—I named plainly and frankly every borough, city, and county in the representation of which I proposed to make any change. I laid before the House the whole basis of the Bill; but it was not without some difficulty that anything could be collected from the hon. Member for Montrose respecting his plan; and there was some reason to believe that he did not mean to deal fairly with the whole population as regarded representation; that he intended nothing like equality as regarded the agricultural, commercial, and manufacturing classes; while the hon. and learned Member for Sheffield spoke of the labouring population as a distinct class, to be dealt with differently from any other. Upon that point I do not by any means agree with the hon. and learned Member, and still less do I agree with the hon. Member for Montrose when he called the working people of this country mere slaves, serfs, and bondmen; so far from being slaves, they enjoy perfect security of person and property. If accused of any offence, they are fully entitled to trial by jury, and to the same protection as the highest personages in the land: they live under a free constitution in the full enjoyment of liberty. I ask, is not that the general feeling prevalent among themselves, and is it not a great mistake to describe that as a condition of slavery? There is no republic in the world which opens a wider or a fairer field for the exercise of ability, or the display of merit, than this monarchy. The highest honours, the greatest powers, the most eminent Ministerial offices, are open to men of the lowest and humblest origin; they may become the advisers of the Sovereign; they may influence political proceedings and measures; they may rise to the highest dignities in the church and the law; they may become Archbishops of Canterbury, they may be raised to the office of the Lord Chancellor, and take rank before the Duke of Norfolk; a people then in possession of every protection for person, of every privilege of property, with a fair field for enterprise open before them, ought not to be described as a nation of slaves merely because all of them do not

possess the right of voting for Members of Parliament. I trust that, on the present occasion at least, I need not enter upon any discussion of the ballot, or the duration of Parliaments; and although I am opposed to the Motion now before the House, though I am bound to give it a distinct negative, yet I am bound also to say that I do not hold, in all cases, to the 10% qualification. I do not think it absolutely necessary that that limit should be retained. Having stated similar opinions on former occasions, I have been asked why, if I entertain these sentiments, the Government does not come forward with some proposition for the purpose of carrying them into effect—why not come forward with some substantial reform, as I admit these to be the opinions of my colleagues and myself? I have communicated with them upon this subject; and we have not thought it advisable in the present Session of Parliament to set aside other great questions for the purpose of fully discussing this, or raising any question whatever on the franchise, being anxious to avoid protracted debates, which might lead to angry results. Of late years many changes have been made, which are still matters of grave discussion both in the House and in the country. My opinion is, and I believe it is the general sentiment of the country, that these matters ought to be settled previous to placing before the country another question like this, which could hardly be brought to a satisfactory conclusion without many party divisions that had much better be avoided. If I add to this another consideration, which is too obvious to have escaped attention, I mean the state of the laws relating to commerce, and if I add to these other questions of great moment, I am sure the House will agree with me that we should inflict serious injury on the public interest if we sought to carry a change in the representation of the people at a time like the present. I am quite aware that the present Parliament is fully equal to the discussion and settlement of the great questions to which I have referred, and quite competent to pass laws arising out of them for the benefit of the country; and I think it is greatly for the public interest that the representatives of the people assembled in this House should continue to give their attention to the subjects which are already before us. There are other considerations which ought to induce us to avoid engaging with the question of Parliamentary reform till we have been able to collect fur-

ther information respecting it. Before we bring the question of suffrage before the House, we should remember that great changes have taken place amongst the nations of the continent of Europe—that those changes are not without a lesson, and the first lesson which we are told they teach us is that Governments ought much sooner to have attended to the institutions of their respective countries—that the people of the Continent had become enlightened—that the press had created a barrier which absolute power could not pass—and that ancient dynasties had been overwhelmed in the tide of popular fury; but we have learnt another lesson: we have seen three countries which engaged in revolution in the name of liberty and in the cause of good government disappointed in their hopes. In Italy we have seen a venerable Pontiff, with the best intentions and the utmost benevolence, obliged to fly from his capital, which was stained with the blood of his Minister, who had been assassinated under circumstances of extreme aggravation. We have seen there the wild establishment of a republic, and we have seen the capital of that country exposed to foreign bombardment and foreign occupation. In Germany also various changes have taken place, from the extreme of despotism to the extreme of democracy. In some countries universal suffrage has been given and withdrawn for the purpose of substituting an invention from ancient Rome, according to which 100 wealthy persons would possess a degree of influence equal to 1,000 of the poor. We have seen that as a substitute for universal suffrage—We have seen in France the demand for an extension of the suffrage, where only a few hundred thousand persons possessed it, and then, to the astonishment of 99 persons out of every 100, universal suffrage acted upon, suppressed, and then revived by the ablest and the wisest as well as the poorest of the people. We have seen men endeavouring to remove the evils brought upon them, to their surprise and without their knowledge, by a suffrage somewhat similar to that which the hon. Member for Montrose now proposes. I have been told, and I suppose many more have been told, the probability is that the opinions of the great mass of the people of France will ultimately settle in the judgment that their present constitution is not suited to their national habits and character, and that this constitution will be replaced by one of a different kind. Now, I admit that it is no

business of ours to interfere with any kind of government that the French nation may give to themselves; but it is our privilege—and we should be foolish if we did not exercise it—to avail ourselves of the opportunity of observing what is going on in Europe, and of taking some counsel from those events. I say, then, that if the result of the first lesson of 1848 was, “It is too late!” that the result of the second lesson is, “Do not do too much, and do not go too far without full deliberation.” I say that we are in the happy position that we have not a constitution to seek. The hon. and learned Member for Sheffield says that he is always looking for this constitution, and that he is not able to find it. Why that, in fact, is our happiness and our advantage. It is our happiness and our advantage that we have no written constitution, but that every Englishman

——— “knows his rights,  
And knowing dare maintain”——

and that no person would venture to deprive any Englishman of that liberty which— notwithstanding what the hon. Member for Montrose says—he knows he has, and which he highly prizes. Well then, Sir, if the people of this country are in the enjoyment of so much liberty—if the people of this country during the years 1848 and 1849 have shown so much temper—and if, as the hon. Member for Montrose says, they are now in state of quiet and contentment, I say that I do not think that it would be unwise in us to pause and to deliberate, and not to take the next step without a consideration of what that step shall be. That there is no very prevailing wish for these changes—that the middle classes, as the hon. and learned Member for Sheffield said, were rather opposed to them, are certainly not conclusive reasons against these changes. It is unadvisable to wait for a storm before you put to sea; but if you lift your anchor in a perfect calm you may be drifted against the rocks. I do not think, therefore, that in the present temper of the people of this country it would be advisable for the Government of this country to propose a great plan for the extension of the suffrage. Whenever they do propose a plan, I think it ought not to be a substitute for the Reform Bill, but a supplement to that Act. My opinion is that the Reform Act was adapted to the institutions of this country. I think it was adapted to the wishes of the people of this country. I believe, with the hon. Gentle-

man the Member for Montrose, that the people of this country have since the Reform Bill made great advances in knowledge and information of every kind. I rejoice to know and to acknowledge these advances. I think it is partly in consequence of these advances that they do not, as far as I can perceive, show any impatience for a great political change—that they know the conflicts and even the danger that accompany such changes—and that they are content to wait until the wisdom of this House shall decide that it is necessary to make a further extension of the suffrage, and that the 10*l.* value shall be no longer the limit of the right of voting. I think that if you decide against the Motion of the hon. Member, you will decide against a Motion that is inconsistent with any right of suffrage that has hitherto existed in this country—that you will introduce to the representation a body of electors with whom you might find that it would be impossible to make the other institutions of the country harmonise. I am supported in this view by the language used by parties at meetings professedly held to support this Motion. I observe that at one of those meetings the hon. Member for Nottingham rejoiced in the union that had taken place, and observed, amid the applause and laughter of the audience, that it was not enough to destroy protection, but that it would also be necessary to destroy the Established Church, and to get rid of the black slugs, by which he designated the clergy of that Church. [Mr. F. O’CONNOR: Hear, hear!] The hon. Member cheers that statement. Well, but has he agreed upon this point with those who are proposing this plan to-night? The hon. and learned Gentleman the Member for Oxford, I know means nothing of the kind. His wish is to preserve the monarchy and the institutions of the country. I have no doubt of that. But when the Members come to be elected under the plan of the hon. Member for Montrose, if it were sanctioned this evening, I rather believe and incline to think that the hon. Member for Nottingham would be rather more likely to carry the majority with him in his plan than the hon. Member for Oxford. Be that as it may, this is a matter of conjecture and uncertainty. My advice to the House is to prefer to that conjecture and uncertainty the institutions that we now have, being prepared to amend them with regard to any of their defects—refusing to ally ourselves to any obstinate



rejections of what may be for the public benefit—but not adopting a course full of danger, full of doubt, and full of peril to our best interests.

MR. B. OSBORNE observed, that the Ministerial replies to the Motion before the House were most unsatisfactory to a large portion of the supporters of the Government. He could not but remark that the whole of the opposition had come from the Treasury bench with one exception, and that exception a gentleman of very amphibious politics, he meant the hon. Member for West Surrey. No Member on the other side had addressed the House on the subject. He (Mr. Osborne) was one of those who previous to the commencement of the Session had indulged in the pleasing dream that the noble Lord at the head of the Government would have deprived his hon. Friend the Member for Montrose of the necessity of again bringing forward this question. For in July, 1848, he remembered not only did that noble Lord disclaim the doctrine of finality, but expressed himself totally dissatisfied with the then state of the elective franchise; and though the noble Lord's language was vague and indefinite, yet at that time, when the events on the Continent disturbed all minds, it was thought by some that he was justified in his reserve; few thought he intended to put off the popular claim to that indefinite period he had hinted at to-night. He told them to-night that he would not put to sea in a storm nor in a calm. Then, was the noble Lord really waiting for a breeze? Was he waiting for the excitement of the approach of a general election, then to lay on the table a Bill to extend the elective franchise? That was not, he thought, a course calculated to place the noble Lord and his Government in a very high position in the opinions of the people. He (Mr. Osborne) supported the present Motion with some feelings of disappointment, he confessed; for he believed until the broad arrow of Government support was stamped upon it, there was very little hope of its success. But he would appeal to the class who were always saying it was not the proper time to concede popular rights—those who were always ready to say, when there was agitation, “we must not yield to popular clamour;” and when there was apathy, to say, “the people feel no anxiety on the subject”—he would appeal to them, and ask whether there had ever been a time when a Minister might come forward with a whole and complete measure of re-

form? Was it not by urging that it was not the proper time for popular concession that the King of France plunged that country into revolution? Was it not the adherence to a system by which out of 36,000,000 of people, 250,000 only had votes, that France was cajoled into a revolution, which he admitted had brought discredit on the popular party, and retarded popular progress in the country? There was another lesson taught us by France in the revolution of 1830, and he thought the noble Lord would do well to profit by those lessons, and seize the proper time in 1850. The consequence of the noble Lord's refusal to concede the just demands of the people for political rights was, that a cry had arisen out of doors, which, though low at present, would swell after the speech of the noble Lord that night, and become irresistible. The noble Lord would not have to wait for the storm or the calm long, but be forced by the power of the popular voice to take that step which he now refused to enter upon. He (Mr. Osborne) was not one of those who approved of systematic agitation; but who would be to blame for it? A supine House of Commons and a procrastinating Cabinet. It was not the hon. Member for Bolton, or the deposed monarch the Member for Nottingham—it was the noble Lord himself, who was the President of the Financial Reform Association; and he (Mr. Osborne) was greatly mistaken if he did not find himself obliged to carry out much more than the members of that association now asked for. The noble Lord had given the House but few reasons for his dilatory conduct. He denied that the principles of conservatism and whiggism were identical with this “stand at ease” policy which Ministers were pursuing—a policy of neither resistance nor concession, but added fuel to the flames. Such was not the principle which Fox had laid down, when it was the duty of the Government to take the lead. Neither was it the policy of Earl Grey. And Mr. Pitt, the great conservative authority, asserted that—

“It was the theory, as it had been the practice in all times, to adapt the representation to the state of the country. There could be no doubt but that it had always been the principle of representation that it should change with the changes which the country might endure, and that it should not be governed by local considerations.” And the successor of Mr. Pitt, the present great leader of this great country, the hon. Member for Buckinghamshire—what did he say? What was the doctrine laid down

in 1844? Speaking on the subject of agitation in February, 1844, that hon. Gentleman said—

“They heard a great deal of reform associations, of anti-corn-law leagues, and other combinations of that kind—those things were merely the consequence of the people taking the government of the country into their own hands, because Government would not administer matters themselves. Opinions were afloat, the public mind was agitated, and no one who was in authority came forward to lead the people. As the natural consequence of such neglect, they coalesced together; because nothing was clearer than this, that if the Government did not lead the people, the people would drive the Government.”—*Hansard*, lxxii. 1015.

Now, the noble Lord was bringing things to that position; he was refusing to lead the people, and the agitators, of whom the noble Lord was the godfather, must get up and make him lead. But the noble Lord had said that he must take time to consider. Was the House aware that three years after the passing of the Reform Bill the noble Lord expressed his dissatisfaction with the franchise just previously granted? In his letter to the electors of Stroud he said—

“It might have been difficult, but it was not impossible, to have made the freemen the proper representatives of one of the most valuable classes of the community—that of the industrious, intelligent, and able mechanics who abound in our great manufacturing and commercial towns, and some of whom only are now admitted to the right of voting. Such a change in the character of freemen would do much to purify our elections, and to strengthen the House of Commons.”

This was in 1835. Was the House purified since? Did not a greater amount of bribery now exist than ever had existed in the boasted times of the boroughmongers? There had been a Committee appointed three years after the passing of the Reform Bill to inquire into cases of bribery, and such passages of depravity as they had published it was almost impossible for the mind of man to imagine. This also was in 1835. But he came now to a more recent period, the year 1841, when his hon. and learned Friend the Member for Sheffield brought forward the subject of the “disgraceful compromises,” and when a Committee was appointed to inquire into those compromises. He had looked through that evidence, and found that in Harwich, 94 Tory votes cost 6,300*l.*; 84 Whig votes cost 2,000*l.* Nottingham, 529 Whig votes cost 12,000*l.*; 144 Tory votes cost 5,000*l.* Lewes, 411 Whig votes cost 5,000*l.*; 407 Tory votes cost 2,000*l.* Reading, 570 Tory votes cost 6,000*l.*; 410 Whig votes cost 1,600*l.* Bridport, 304 Whig votes

cost 5,466*l.*; 244 Tory votes, no return made. Penryn and Falmouth, 462 Whig votes cost 4,000*l.*; 381 Tory votes cost 4,000*l.* In these six boroughs alone, 3,796 votes had cost upwards of 53,366*l.* This was in 1841; and now they were talking of the present pure Parliament. He found, in 1847, that there was another Committee appointed. Hon. Gentlemen were at that time shocked at the idea of its appointment, and particularly so when it was moved that a Commission should go down to the boroughs to inquire into the corrupt practices. The next Session the hon. Member for Droitwich proposed that his brother Members should take their oaths that they would not bribe by themselves or agents in future. Long speeches were delivered, and most sententious maxims were heard from all sides, but, at length, the Bill was abandoned, and had never been heard of since. Was it not evident to the country, under such circumstances, that they were so many hypocrites in that House?—that they were contented with making long speeches about the House being the honour and envy of surrounding nations, and with doing nothing? If they were sincere in wishing to prove that they had a horror of bribery, what better step could they adopt than to increase the franchise? It was in vain otherwise to have these Committees; but it would not be vain to have them if the noble Lord at the head of the Government would lay on the table a Bill for the extension of the franchise. When they heard that the Reform Bill had done so much for this country, it was well to look at what it had really done. He owned that it had done much. He gave every credit to the noble Lord for having passed it in good faith; and, in reply to the hon. Member for West Surrey, he would say that he believed the noble Lord to be incapable of anything which was not regulated by high and honourable feeling. It was not the noble Lord who wanted to produce a great revolution at that time; it was the ancestors of the hon. Gentlemen on the other side of the House. No fault was found with the noble Lord for not being a reformer then: the fault was found with him for not being a reformer now. But, after all, what had the Reform Bill done for the country? He would take four years, selected at different epochs of our modern history—he would contrast the Government expenses of 1790, the year before the revolutionary war—of

1830, the year before the Tory Government went out—of 1835, a year of a Reformed Parliament—and of 1849, the year just passed. He found that in 1790 the cost of Government was 16,709,000*l.*—in 1830 it had risen to 52,018,000*l.*—in 1835 it was 48,787,000*l.*—and in 1849 it had swollen to 57,581,000*l.* The fact was, that in eleven years after the Reform Bill, the national debt had been increased by 41,000,000*l.* Such had been the state of matters since that famous measure. Unless some means or other were taken to lessen the cost of this Government, whether the noble Lord would or no, there would be an agitation in this country, if there came such another year as 1842, as neither the noble Lord at the head of the Government, nor he (Mr. Osborne) should desire to see. In 1830, the 4 per cents were reduced to 3½; and, in 1844, the 3½ per cents were reduced to 3¼. The fundholders had thus been mulcted to the amount of 1,452,000*l.* a year, otherwise the interest on the debt would have been 823,000*l.* more in 1850 than it was in 1830. This, then, was the cost of Government since and under the Reform Bill. He did not mean to say that great improvements had not resulted; but when the hon. Member for West Surrey said the Crown had no power in this country, he (Mr. Osborne) agreed with him. The famous resolution of 1780, that the influence of the Crown had increased, was increasing, and ought to decrease, could not be moved now. There had been a shuffle of the cards since. The interest of the aristocracy had increased, was increasing, and ought to be decreased. Aristocratic power preponderated in this country, and was daily eating into the House of Commons. Far be it from him to wish to see that House completely tenanted and peopled by one class. He was glad to see the house of Rutland represented there by the refined noble Lord the Member for Colchester. He was also glad to see the House of Bedford represented there by the noble Lord. But what he objected to was, that these hon. Gentlemen and noble Lords of the aristocracy had not been returned by popular constituencies. There were thirty-three Peers who sent fifty-two Members to that House; and yet they called themselves the Commons' House of Parliament, although they were playing this sort of *High Life below Stairs* all the while. Members so returned were *My Lord Duke's Men*, and he had no doubt but that there would

also be found a *Lady Bab's* representative into the bargain. Exceptions had been taken to the admission of lodgers to the franchise. He found that an ancient colleague of the noble Lord had expressed himself in favour of extending the suffrage to lodgers—he meant Lord Brougham. Anything proceeding from the pen of Lord Brougham—he (Mr. Osborne) drew a distinction between his Lordship's speeches and his pen—ought to be attended to with some degree of respect. What had Lord Brougham said on household suffrage? He said, in a work entitled *Political Philosophy*—

“If there were no small places entitled to return Members, if no place or district under 5,000 voters were allowed representatives, there would be no such thing as bribery known. The exclusion which our 10*l.* test effects of some most meritorious and valuable members of society, is a grievous evil. All lodgers and boarders are excluded, the most ingenious artisans, the men whose expertness and industry are the props of our commercial greatness; most of our literary and scientific men, whose unwearied labours illustrate their country and adorn their age—all are disfranchised by a law formed for the purpose of drawing the line between ignorance and intelligence. No doubt it does draw the line, and leaves information excluded.”

When he (Mr. Osborne) referred to bribery as a national leprosy attaching to our constitution, he wished to ask, how were majorities in that House made? Was there no other form of corruption besides money? It was generally supposed in the country that the emblem of a Secretary of the Treasury was a whip, but hon. Members of that House knew that it was a fishing rod. The Secretary was indeed an expert fisher of men—a Parliamentary Izaak Walton—who knew how to bob for eels and to angle very skilfully for country Gentlemen. Some nibbled at colonial baits, others at empty honours, ribbons and garters, but that House seemed to have a peculiar fancy for the honours of the “bloody hand.” Look at the Peers made by Pitt; and, when the Melbourne Ministry were in difficulty, who did not remember the “miraculous draught” of Baronets that appeared all alive in the *Gazette* one morning? He lamented that the days of chivalry were gone, but certainly it was much easier for a belted knight to win his way by succouring a Minister in his difficulties, than by breaking lances for a damsel in distress. He had been much amused the other day at the apology given by the *Morning Herald* for the smallness of the division on the Address of hon. Gen-

tllemen opposite, and at the reasons assigned for their absence. The reasons were these :—

“The hon. Member wishes to be invited to the Duke of Devonshire's ball—that other wishes to have his lady and daughters commended to Her Majesty's next concert; a third has a son who wants promotion in the Navy; a fourth desires to have his boy named an *attaché* at Paris or Vienna; a fifth looks to obtain a plot of ground on easy terms from the Woods and Forests; a sixth wants a deputy-lieutenancy for his second cousin; a seventh a place for his butler in the Post Office; an eighth a commission in the Rifles; a ninth desiderates that his reverend brother shall be named one of Her Majesty's chaplains; and a tenth requires only a grant of 3,000 acres in New Zealand for a son who has been some years on half-pay, and who can do no good. Thus it is that men, without bargain and sale—without barter or traffic, surrender their independence, and suffer themselves to be talked over.”

He said, then, that the Members of this House of Commons, which wanted no reform, were bribed, though the money was not paid in cash. There were baits by the Secretary of the Treasury; there were inducements on the other side, and they had no business to call themselves a pure and a reformed House of Commons. He was surprised that the noble Lord at the head of the Government said nothing on the subject of the ballot. He (Mr. Osborne) did not wish to take up the time of the House on the ballot, because he had very strong opinions that both the evils and the advantages of that system were very much exaggerated. But he thought if the people wished for the ballot, if they thought it was a protection from intimidation, they were entitled to have the ballot. He thought that the events which had happened in France, said something in favour of the ballot. Could any Gentleman suppose, in the dreadful state of things which had occurred in France, that if it was not for the protection of the ballot, they would have, at this moment, a Conservative Assembly in France? He advocated the ballot as a protection from an unenlightened democracy, and he advocated it as a protection for the many against the prejudices of the few. In reference to electoral districts, the noble Lord said Nottingham, with 58,091 inhabitants, sent two Members to Parliament; while South Devon, with 207,541, sent only two. The noble Lord made an important omission. He ought to state that there were eight boroughs in South Devon, each of which sent two Members to Parliament; and the Members for these little boroughs were chiefly returned by gentlemen who lived

near, and who were supposed to be the great guardians and representatives of our territorial constitution. Now he (Mr. Osborne) contended that this household suffrage, as was ably shown by his hon. Friend the Member for Montrose, was nothing more than a recurrence to the ancient practice. Hon. Gentlemen might turn, if they thought proper, to the report of Serjeant Glanville's Committee, said to be the most learned Committee which ever emanated from that House, which sat in 1623 and 1624, and they would see that this household suffrage was nothing more or less than what that Committee recommended. But if household suffrage were a recurrence to the ancient system, what were they to say to triennial Parliaments? The right hon. the Secretary for the Home Department told them in a speech which, he regretted to say, was made to a thin House, for it was the most admirable system of special pleading he ever heard, that it was not in accordance with the ancient ways of the constitution. Why, what was the ancient way of the constitution? Surely triennial Parliaments. He need not tell the old history of the Triennial Act. It was discreditable to the House of Commons that they should, for their own objects, prolong their own existence. Nay, more, they gathered from Cox's *Life of Walpole*, that there was a proposition to extend it to a still longer period. And when hon. Gentlemen connected revolutionary sentiments with triennial Parliaments, let him ask them if it was a triennial Parliament that destroyed the monarchy. On the contrary, look at their Acts from 1694 to 1716. He must say it was a triennial Parliament which passed, in 1703, one of the worst Acts ever passed, which put on the qualification of Members of Parliament. That ought to be a recommendation with Gentlemen on the other side; it was none with him. What were the sentiments of Bolingbroke and Wyndham? They harangued for triennial Parliaments; and down to the year 1745, so far from triennial Parliaments being what would now be called a Chartist movement, there was a Motion in 1745, which was only rejected by a majority of forty-two, for annual Parliaments. He agreed with Junius, that septennial Parliaments gave six years to sin in, and one to repent in. But the noble Lord himself was not satisfied with septennial Parliaments. Now, with reference to the subject of electoral districts, there were



great difficulties attaching to it, and he did not mean to say that he exactly understood what the hon. Member for Montrose proposed. But, in voting for this Bill, he begged to say he did not pledge himself to all these measures. He voted for bringing in this Bill because he saw no other leader. The noble Lord refused to bring in any Bill, and he (Mr. Osborne) felt confident they could not go on as they were. And he was obliged to take this proposition of the hon. Gentleman the Member for Montrose, because it came nearest his sentiments. But about this question of electoral districts, why, historians seemed to say there was a doubt whether the present inequality of our representation did not arise from the ignorance of our ancestors as to the amount of population. And it was no new step. He found that two Chancellors had agitated for it. The noble Lord the First Minister of the Crown stated, in the course of his historical work, that the first person who agitated this was the great Lord Shaftesbury. And that was followed up by another Chancellor, whom he had just quoted. He found Lord Brougham was favourable to electoral districts, and he had put the thing so well that he (Mr. Osborne) might be pardoned for bringing it before the House:—

“The only real remedy is greatly extending the number of voters; or, if that is impossible, greatly increasing the size of electoral districts. If we retain a superstitious veneration for the name of these districts, if our old local associations are too powerful, it is all very well, and we gratify our romantic feelings; but what is the price for this sentimental indulgence? It is the perpetuation of the most corrupt practices by which a free people can be debased and degraded, and the spreading of universal immorality.”

Why, he maintained it was very unfair that they should see a parcel of little boroughs, without property and intelligence, sending Members to Parliament and swamping people who came representing property and intelligence. He did not wish to divide the country into districts; but he should like to see the Scotch system of consolidating towns. He believed that the Scotch elections were more pure than the English ones were. Take the borough of Lyme Regis. There was never a Parliament but they had a Committee of that House sitting two or three weeks respecting the election for Lyme Regis. He did not know who the Member was; he believed he was generally a learned gentleman. Why not incorporate Lyme Regis with Sidmouth, or

any other little town? He threw that out to the noble Lord. The noble Lord said he wanted suggestions; he threw out that suggestion. Why, if he objected to electoral districts, did he not consolidate these small places after the Scotch system? They would not then have an Attorney General going down to a borough, and being subject to the horrible imputation of having put his hand in his pocket to bribe people. He threw out the suggestion; he thought the noble Lord might adopt it with great effect in Ireland. And he believed the noble Lord would give great satisfaction if he would make the electoral districts larger, and the number of Members smaller, for they were too numerous for business. Half the Members did not come to do business. Why, the most important business was transacted in a House of 45 Members, and at a certain hour they saw Gentlemen coming in in that dress which had become as classical as the toga, and if they had had a good dinner they listened to the speeches, but if they had not they would not listen. There was one matter he should allude to—the Motion that had recently been brought on by the hon. Member for Glasgow, in an able speech, he dared say, but it was not reported, for no doubt it was inaudible in the gallery. The hon. Member for Glasgow brought forward a proposition to enfranchise Hammersmith and Fulham, Kensington and Chelsea. He was not present, but it seemed to him the Motion was met with the most extraordinary disrespect. Here were four parishes containing people of the greatest respectability, a great number of them being retired literary men; the population was upwards of 100,000, and they were rated to the poor in an assessment of upwards of half a million. There were 50 boroughs returning 52 Members, which had not near so large a population, and were not rated to half so much. How was his hon. Friend met? The right hon. the Secretary for the Home Department said very little; he too, probably, was also inaudible in the gallery; but there was a Gentleman who gave the most extraordinary reasons that ever were given for opposing a Motion. He read those reasons with great regret, because that Gentleman was the son of one of the greatest men of this country, and who made the proud boast that he would sooner be plain John Campbell than the greatest Peer in England. It was with some pain he came to the conclusion, that the hon. Gentleman was fitter for a dan-

cing master than a Member of the House of Commons. That hon. Gentleman thought it necessary to tell the House that he had attended at a dinner, and at a parochial meeting at Chelsea, and that they were low people not fit for the franchise. Low people! Could the hon. Gentleman have been joking? What was the real reason? These low people had heard of what was said of them, and he had been informed that the hon. Gentleman did attend a meeting, and made a speech. He had heard him make a speech in that House full of long quotations from Aristotle, and perhaps this was of the same kind. However, they did not listen to him, and he came away and said they were low people, and were not fit for the franchise. Why was a body of respectable men to be stigmatised and told they were low people, and not fit for the franchise? He should like to ask the hon. Gentlemen who in the town of Cambridge were the voters that supported him from Barnwell—where he understood he had considerable support. He trusted the hon. Member would take the earliest opportunity of attending another parochial meeting in that district, and make the *amende honorable*. But there was another hon. Gentleman who he found had been expressing a most extraordinary sentiment, that neither the hon Member for the West Riding nor any other man who had not been educated at Oxford and Cambridge, should attempt to lead. Did the hon. Gentleman know who his own leader was—that his own leader was not educated at an university? Did he remember that the noble Lord the Chief Minister of the Crown, whose name would go down to posterity, had not the benefit of being educated at either of these universities? That House was not made for members of the universities. He supported the Motion because he looked on it as a true conservative Motion, and because in his conscience he believed it would add to the security of the constitution: and he supported it for the best of all reasons, because he believed it would make that House in reality what it purported to be—the House of the Commons of England.

MR. H. BERKELEY congratulated the House that the right hon. the Home Secretary had promised to meet at least one part of his hon. Friend's Motion on a future occasion. In former discussions on the ballot it would be recollected that the great difficulty was to get a Minister on

his legs; but now they had a distinct promise from the Home Secretary that he would meet that question on an early day. He (Mr. Berkeley) would defer any observations he had to make until he had heard what the right hon. Gentleman had to say on the subject.

MR. L. KING moved the adjournment of the debate, but eventually the hon. Member withdrew his Motion.

Question put. The House divided:—  
Ayes 96; Noes 242: Majority 146.

#### List of the AYES.

Adair, H. E.	King, hon. P. J. L.
Adair, R. A. S.	Lushington, C.
Aglionby, H. A.	M'Cullagh, W. T.
Alcock, T.	M'Gregor, J.
Anderson, A.	Meagher, T.
Armstrong, R. B.	Marshall, J. G.
Bass, M. T.	Milner, W. M. E.
Berkeley, hon. H. F.	Moffatt, G.
Berkeley, C. L. G.	Molesworth, Sir W.
Blewitt, R. J.	Mowatt, F.
Bouverie, hon. E. P.	Nugent, Lord
Bright, J.	O'Brien, Sir T.
Brotherton, J.	O'Connell, M.
Brown-Westhead, J. P.	O'Connell, M. J.
Caulfield, J. M.	O'Connor, F.
Clay, J.	O'Flaherty, A.
Clay, Sir W.	Osborne, R.
Clifford, H. M.	Pechell, Sir G. B.
Cobden, R.	Peto, S. M.
Collins, W.	Pilkington, J.
Cowan, C.	Power, Dr.
Currie, R.	Reynolds, J.
Devereux, J. T.	Ricardo, J. L.
D'Eyncourt, rt.hon.C.T.	Roebuck, J. A.
Duke, Sir J.	Sadleir, J.
Duncan, G.	Salwey, Col.
Duncombe, T.	Scholefield, W.
Ellis, J.	Scully, F.
Evans, Sir Do L.	Smith, J. B.
Evans, J.	Strickland, Sir G.
Ewart, W.	Stuart, Lord D.
Fagan, W.	Sullivan, M.
Fox, W. J.	Talbot, J. H.
Gibson, rt. hon. T. M.	Tancred, H. W.
Grattan, H.	Tenison, E. K.
Greene, J.	Tennent, R. J.
Grenfell, C. P.	Thompson, Col.
Hall, Sir B.	Thompson, G.
Hardcastle, J. A.	Thornely, T.
Harris, R.	Villiers, hon. C.
Hastie, A.	Wakley, T.
Hastie, A.	Wawn, J. T.
Headlam, T. E.	Willcox, B. M.
Henry, A.	Williams, J.
Heyworth, L.	Wilson, M.
Horsman, E.	Wood, W. P.
Humphery, Ald.	
Jackson, W.	
Keating, R.	
Kershaw, J.	

#### TELLERS.

Hume, J.  
Walmsley, Sir J.

#### List of the NOES.

Abdy, Sir T. N.	Arundel and Surrey,
Acland, Sir T. D.	Earl of
Adderley, C. B.	Ashley, Lord
Anson, hon. Col.	Bagge, W.

Bailey, J.  
 Bailey, J., jun.  
 Baines, rt. hon. M. T.  
 Baldwin, O. B.  
 Bankes, G.  
 Baring, H. B.  
 Baring, T.  
 Barnard, E. G.  
 Barrington, Visct.  
 Bateson, T.  
 Bellew, R. M.  
 Bennet, P.  
 Beresford, W.  
 Berkeley, Adm.  
 Best, J.  
 Blair, S.  
 Blandford, Marq. of  
 Bowles, Adm.  
 Boyle, hon. Col.  
 Bramston, T. W.  
 Bremridge, R.  
 Brisco, M.  
 Broadley, H.  
 Brockman, E. D.  
 Brown, W.  
 Buller, Sir J. Y.  
 Bunbury, W. M.  
 Bunbury, E. H.  
 Buxton, Sir E. N.  
 Campbell, hon. W. F.  
 Cardwell, E.  
 Carew, W. H. P.  
 Carter, J. B.  
 Castlereagh, Visct.  
 Cavendish, hon. C. C.  
 Cayley, E. S.  
 Chaplin, W. J.  
 Charteris, hon. F.  
 Childers, J. W.  
 Christy, S.  
 Clerk, rt. hon. Sir G.  
 Cobbold, J. C.  
 Cocks, T. S.  
 Cole, hon. H. A.  
 Coles, H. B.  
 Colville, C. R.  
 Corry, rt. hon. H. L.  
 Cowper, hon. W. F.  
 Craig, W. G.  
 Cubitt, W.  
 Currie, H.  
 Douro, Marq. of  
 Drummond, H.  
 Drummond, H. H.  
 Duckworth, Sir J. T. B.  
 Duff, G. S.  
 Duncombe, hon. O.  
 Dundas, Adm.  
 Dundas, rt. hon. Sir D.  
 Du Pre, C. G.  
 East, Sir J. B.  
 Ebrington, Visct.  
 Egerton, Sir P.  
 Elliot, hon. J. E.  
 Enfield, Visct.  
 Evans, W.  
 Fergus, J.  
 Ferguson, Sir R. A.  
 FitzPatrick, rt. hon. J. W.  
 Foley, J. H. H.  
 Forbes, W.  
 Fordyce, A. D.  
 Fortescue, hon. J. W.

Fox, S. W. L.  
 Gaskell, J. M.  
 Gladstone, rt. hn. W. E.  
 Gooch, E. S.  
 Gordon, Adm.  
 Goulburn, rt. hon. H.  
 Grace, O. D. J.  
 Graham, rt. hon. Sir J.  
 Greenall, G.  
 Grey, rt. hon. Sir G.  
 Grogan, E.  
 Grosvenor, Earl  
 Gwyn, H.  
 Halford, Sir H.  
 Halsey, T. P.  
 Hamilton, G. A.  
 Hamilton, J. H.  
 Hamilton, Lord C.  
 Hanmer, Sir J.  
 Harcourt, G. G.  
 Harris, hon. Capt.  
 Hatchell, J.  
 Hayter, rt. hon. W. G.  
 Heald, J.  
 Heathcote, G. J.  
 Hencage, G. H. W.  
 Henley, J. W.  
 Herbert, H. A.  
 Hervey, Lord A.  
 Hobhouse, rt. hon. Sir J.  
 Hobhouse, T. B.  
 Hood, Sir A.  
 Hope, A.  
 Hornby, J.  
 Hotham, Lord  
 Howard, Lord E.  
 Howard, hon. G. W. G.  
 Howard, Sir R.  
 Hutt, W.  
 Inglis, Sir R. H.  
 Jermyn, Earl  
 Jervis, Sir J.  
 Jones, Capt.  
 Keppel, hon. G. T.  
 Labouchere, rt. hon. H.  
 Langston, J. H.  
 Lascelles, hon. W. S.  
 Legh, G. C.  
 Lemon, Sir C.  
 Lennard, T. B.  
 Lennox, Lord A. G.  
 Lewis, rt. hon. Sir T. F.  
 Lewis, G. C.  
 Lindsay, hon. Col.  
 Littleton, hon. E. R.  
 Locke, J.  
 Lockhart, W.  
 Lygon, hon. Gen.  
 Mackenzie, W. F.  
 Mackinnon, W. A.  
 Macnaghten, Sir F.  
 Mahon, Visct.  
 Mandeville, Visct.  
 Manners, Lord G.  
 Manners, Lord J.  
 Martin, C. W.  
 Masterman, J.  
 Matheson, A.  
 Maule, rt. hon. F.  
 Melgund, Visct.  
 Meux, Sir H.  
 Miles, P. W. S.  
 Miles, W.

Monseil, W.  
 Moody, C. A.  
 Morgan, O.  
 Mostyn, hon. E. M. L.  
 Mulgrave, Earl of  
 Mullings, J. R.  
 Mundy, W.  
 Mure, Col.  
 Naas, Lord  
 Newdegate, O. N.  
 Norreys, Lord  
 Ogle, S. C. H.  
 Packe, C. W.  
 Paget, Lord C.  
 Paget, Lord G.  
 Palmer, R.  
 Palmer, R.  
 Palmerston, Visct.  
 Parker, J.  
 Patten, J. W.  
 Peel, rt. hon. Sir R.  
 Peel, F.  
 Pinney, W.  
 Plowden, W. H. C.  
 Plumtre, J. P.  
 Power, N.  
 Powlett, Lord W.  
 Price, Sir R.  
 Pusey, P.  
 Reid, Col.  
 Rendlesham, Lord  
 Repton, G. W. J.  
 Rich, H.  
 Richards, R.  
 Romilly, Sir J.  
 Rumbold, C. E.  
 Russell, Lord J.  
 Russell, hon. E. S.  
 Rutherford, A.  
 Sandars, G.  
 Sandars, J.  
 Scrope, G. P.  
 Seymour, H. K.  
 Shafto, R. D.  
 Sheil, rt. hon. R. L.  
 Shelburne, Earl of

Sibthorp, Col.  
 Simeon, J.  
 Slaney, R. A.  
 Smith, rt. hon. R.  
 Smith, J. A.  
 Smollett, A.  
 Somerville, rt. hn. S.  
 Sotheron, T. H. S.  
 Spooner, R.  
 Stafford, A.  
 Stanford, J. F.  
 Stanley, E.  
 Stansfield, W. R. C.  
 Stanton, W. H.  
 Stuart, H.  
 Sturt, H. G.  
 Thesiger, Sir F.  
 Thicknesse, R. A.  
 Thompson, Ald.  
 Tollemache, hon. F. J.  
 Tollemache, J.  
 Towneley, J.  
 Townley, R. G.  
 Townshend, Capt.  
 Trevor, hon. G. R.  
 Tufnell, H.  
 Turner, G. J.  
 Tyrell, Sir J. T.  
 Vane, Lord H.  
 Verner, Sir W.  
 Villiers, Visct.  
 Villiers, hon. F. W. C.  
 Vyse, R. H. R. H.  
 Waddington, H. S.  
 Walpole, S. H.  
 Watkins, Col. L.  
 Wegg-Prosser, F. R.  
 Wellesley, Lord C.  
 Williamson, Sir H.  
 Wilson, J.  
 Wodehouse, E.  
 Wortley, rt. hon. J. S.  
 Wyvill, M.

## TELLERS.

Hill, Lord M.  
 Grey, R. W.

## COPYHOLDS ENFRANCHISEMENT.

MR. AGLIONBY moved for leave to introduce a Bill to effect the compulsory enfranchisement of lands of copyhold and customary tenure. The Bill was the same as the one introduced last year, with the exception of some trifling alterations.

Motion made, and Question put—

“That leave be given to bring in a Bill to effect the compulsory Enfranchisement of Lands of Copyhold and Customary Tenure.”

MR. BROTHERTON seconded the Motion.

MR. GRENVILLE BERKELEY opposed the Bill, and said he would divide the House upon it.

SIR G. GREY said, the Government had proposed a measure, last Session, having the same object; but there were difficulties surrounding the subject, which prevented the measure passing the other House.

However, if the hon. Member thought there was any chance of his measure passing, the Government would not oppose its introduction.

SIR R. H. INGLIS believed this was one of the worst Bills ever brought forward; for it purported to deal compulsorily with private property. He considered this Bill a needless encouragement to amateur legislation. The most sanguine person could not venture to hope that it would be carried, and on these grounds he must oppose the introduction of the measure.

LORD D. STUART was surprised that a Member of that House should get up and oppose the introduction of a measure without alleging a single reason, and that, too, when the Government did not object to its being laid upon the table. He believed it was a measure calculated to redress existing grievances, and hoped that the House would allow it to be considered.

The House divided:—Ayes 97; Noes 32: Majority 65.

The House adjourned at a quarter before One o'clock.

## HOUSE OF LORDS, Friday, March 1, 1850.

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Removal of obstructions in Corn Trade (Scotland) (No. 2.)

### TENANT-RIGHT AND THE PRESBYTERIAN CLERGY.

The MARQUESS of LONDONDERRY then rose to present a petition, of which he had given notice, and which he considered to be of great importance in the present state of Ireland, and more particularly of that county (Down) with which he was connected. It emanated from a public meeting at Coleraine, and was the petition of the tenant-farmers of that district very numerous assembled in that town. The purport of the petition was to pray their Lordships to pass an Act securing to the tenant-farmer full compensation for all the improvements which he might have effected on his farm during his tenancy, and the full benefit of what was considered the privilege and property of tenant-right. The petitioners further prayed their Lordships to pass such an Act as would insure to the tenant any investment of property which he might make upon the land. He would beg leave to say on the subject of tenant-right, that he was sensible of the moral obligation which devolved on a pro-

prietor of land to promote the comfort and well-being of his tenantry. He had been the constant advocate for twenty years and more of the so-called tenant-right. But the attempt now made was to exact as a right what had been theretofore conceded as a voluntary act of kindness and regard; and if there were now to be a struggle for the overthrow of the rights of property, let them proclaim the object at once, and let the agitators announce the project of a resort to socialism and communism. The efforts now making in Ulster led to confiscation. The tenants had hitherto only held a terminable interest. They wanted now to be independent of proprietors, or partners in the fee. Not simply content with the so-called tenant-right, they violently claim a fixity of tenure; and the allegiance and demeanour of their class was in future to be contingent on the absolute yielding to their demands. The renewed efforts now being made in Down seemed to be the following up those of May or April, 1848; and that of the *Nation* and *United Irishman*, who taught first the doctrines whereby to repudiate the payment of rents. The tenant-right always practised on his estate, was the free liberty of the tenant to sell his holding, and no restraint as to his bargain with his successor; except that if he was ineligible in his (the Marquess of Londonderry), or his agent's opinion, he exercised a veto, and called upon him to produce another candidate. The successor became the actual *locum tenens* to the retiring tenant. He always considered hitherto, in former good times, the tenant-right as good as his own to his manor, as the tenant could sell, or get money for leaving it, or improving it, which he (the Marquess of Londonderry) never could do. But surely the case came now in a widely different form before the landlords of the north of Ireland. What were the voluntary gifts and offerings of proprietors, the farmers now insisted on as a right. They told them also of their own property in the soil. They insisted upon a reduction of their rents, not according to their landlords' judgment or opinion, but they insisted upon their own valuations. They menaced the collectors; they said they would pay no rents, and they followed up these proceedings by incendiary fires. And such was their silent encouragement of the nocturnal incendiaries and agrarian outrages, that they refused to organise themselves, or subscribe for their discovery. This was



the lamentable but too true picture of that county, hitherto the garden of Ireland, possessing the greatest number of resident gentry, and the most influential and intellectual landlords—he might add, the kindest and most beneficent in Ireland. Could this extraordinary change have occurred without some outward circumstances? It was notorious that the recent assemblages in that county had created very considerable excitement. Within the last eighteen months the county had been repeatedly called together, and there had been assemblings of its inhabitants five or six times on great public questions. Such meetings had given rise to much discontent and dissatisfaction. First of all, was an assembling to declare to Lord Clarendon, the Lord Lieutenant of Ireland, their loyalty and affection to Her Majesty during the disturbances which took place in another part of that kingdom; shortly afterwards, there was an assembling to protest against the rate in aid. The principal speakers at that meeting indulged in the most violent and inflammatory declamations against that rate, to which, however, they subsequently submitted with exemplary patience; showing thereby that there was no occasion for, and not much sense in, their declamatory invectives. The next meeting was for the same object as its predecessor, and was equally uncalled for. The meeting after that was occasioned by the unfortunate circumstances which occurred at Dolly's Brae. On those circumstances he would not say a word; for he thought that it would be much better to have them buried in oblivion. The next meeting was convened at Belfast, by certain Protectionist Lords, to complain of the change of the law relating to the importation of corn. It not only raised a question between the population of the county and the farmers as to whether protection or free trade should be the law of the land, but it also raised another question, whether the tenant-farmers were not entitled to, and ought to have, a reduction of rents. Many speeches were made, strong, fiery, and exciting; but the most extraordinary circumstance of all was, that the Orangemen, and the Roman Catholics brought in by the Protectionist Lords, who were supposed to be the leaders of the meeting, to carry the cause of protection, had united together to proclaim reduction of rents, tenant-right, and fixity of tenure; and, not only to do that, but also to force their landlords by intimidation to accede to those objects. After these meet-

ings there was great discontent among the tenants of the county of Down. These county meetings were followed up by meetings at various places—at Banbridge, at Newton Clonards, and elsewhere; and at these district meetings Presbyterian ministers were very active and prominent. The local newspapers, especially the Radical newspapers, gave full details of all their proceedings, and certainly encouraged and aided the Presbyterian ministers in their furious declamations. The doctrines which they inculcated were not alone reduction of rents and tenant-right—they added to those demands a demand for fixity of tenure, or, in other words, for a perpetuity of tenure. The tenants already thought the land their own, and the Presbyterian ministers assisted in encouraging that delusion. What had been the result? The tenant-farmers had continued their agitation; they had not only continued it by writing and speeches, but had even threatened and menaced all those farmers who should dare to take land from which others had been ejected for nonpayment of rent; and the consequence was, that no farmers would now take land so rendered untenable. There had also been many offences against the law perpetrated, and many incendiary fires lighted, in the county of Down. Looking at the acts which these men had committed, he would say that they were not to be contented by any reduction of rents which the landlords could make. They had taken the law into their own hands. They had even sent a deputation in one instance to their landlord, who was a noble Marquess, a Member of their Lordships' House. The agent of that noble Marquess met them, and stated that he would agree to a new valuation of the farms which they occupied, with a view to the reduction of rents. When that offer was made to them, they declared that they would not consent to any such thing; they would only have what they had originally stated. Now, if this were so, if such a state of things were to be tolerated, the property of the landlords of Ireland might as well be confiscated at once. And in what part of Ireland was it that this language was used, and such violence was tolerated? In that portion of it which was once considered the best-conducted portion of the country. What was worst of all, such outrageous proceedings were becoming general. He would not petition his noble Friend the Lord Lieutenant of Ireland to proclaim the county; but

really something must be done to put a stop to such outrages. He thought that the Government ought to look to it; he thought that they should consider whether there were not means of arresting these rev. gentlemen, who were adding to the agitation by the various insidious measures which they were hourly proposing. He held in his hand another letter addressed to himself by a Presbyterian clergyman, who had not only taken up the cudgels for the Rev. W. Dobbin, whose letter he had read to their Lordships on a former evening, but who also pretended to speak as the representative and in the name of other large bodies. It had been said that he could not establish what he had stated on a former night, and he had been called upon in consequence to retract it. Now, if everything which had been printed in the county did not fully establish his past assertions—if every report of their speeches did not prove the fact that Presbyterian ministers were preaching up resistance to the payment of rents, he did not know by what evidence he would convince those who still remained incredulous. They had no right, either by law, morality, or religion, to preach such doctrines; but that they had done so the letters which he should presently read to their Lordships would prove beyond all doubt, and would place his accuracy even beyond suspicion. In reading the first letter which he should place before their Lordships, he asked that nothing should be done upon it—it was too contemptible for serious notice—and he was almost ashamed to read it to their Lordships. The letter was as follows:—

“ Ballydown, Banbridge, Feb. 25.

“ My Lord—I am requested by the Rev. William Dobbin to inform you, that he has read in the public journals a report of the proceedings in the House of Peers on Friday evening last, and has therefore been made aware of the reception which it pleased your Lordship to give to his respectful application, either to retract or substantiate your previous calumnious assertions respecting the Presbyterian clergy of the county of Down. And, in reference to the whole transaction, I am deputed to communicate to you that Mr. Dobbin, and many of his brethren, undismayed by the risk of being called upon to answer for having committed a breach of privilege of the House of Peers, and unappalled by your attempt to defraud them of the *Regium Donum*, again call upon you to stand forth, and either withdraw or make good your assertions aforesaid. Should you decline either alternative, you stand convicted of having calumniated a body of men as loyal and as honest as any the empire contains, and who, conscious of the rectitude of their words and acts, are equally regardless of your smiles or your frowns, and view with unmitigated scorn your impotent attempt to crush

their independent principles. My Lord, be wise in time. You may try your hand at privilege and *Regnum Donum*; you may sow the wind, but beware you do not reap the whirlwind, and sigh in vain for that shilling an acre which I said before, and now say again, is all to which, either in law, in equity, or in justice, you are entitled for your land.—I am, my Lord, with all due respect,

“ JOHN RUTHERFORD,  
Presbyterian Minister of Ballydown,  
County of Down.”

However unworthy this letter might be of a reply, it showed what these rev. gentlemen were in their language as well as in their conduct. He, however, was not to be intimidated, and he would warn those rev. gentlemen that he would rather leave his estates to rapine and plunder, than yield to compulsion, menace, and clamour, with regard to his management of them. He treated their threats with disregard, relying on the Government, the law, and the justice of the British empire for protection. To show that he was not exaggerating the condition of the county of Down, he would now read another letter, which he had received from a gentleman of the highest respectability, who was well known to a noble Lord near him (the Earl of Roden):—

“ I am very glad to see you have brought the state of the county of Down under the notice of the Government and the public. There is a very bad spirit and feeling prevalent among the farmers, agitating tenant-right, fixity of tenure, and encouraged by free-traders, the radical press, and the calumnies heaped on the landlords by many of the Presbyterian ministers, who have preached everything wicked and rebellious to their people. Poor Anketell's family have had a narrow escape. If the balls had been fired into the other window of their bedroom, husband and wife would have been shot in their bed. I understand the attempts to assassinate them were known and talked about in the streets of Comber two days before. The system now is to intimidate and prevent any person taking a farm when the tenant has been ejected. In short, Down is now a second Tipperary; we are trying to get up a large private subscription to discover the incendiaries and Anketell's ruffians; but, strange to say, the Government reward has only been 60*l.*; when the country expected 500*l.* for such a dreadful outrage.”

He understood that it was well known in the town two days before that this attempt at assassination would be made, but not a hand or a voice was raised to prevent it. The subject of these parties was intimidation—intimidation at all events and at all hazards. Let their Lordships reflect upon the words that “ the county of Down was becoming a second Tipperary.” He understood that certain parties in the county were getting up large subscriptions to discover the authors of the incendiary fires which had occurred within it. He was

sorry to learn that the Government had offered a reward of 60*l.* only for the discovery of such dreadful outrages, when it ought to have offered 500*l.* at least to accomplish their suppression. From his confidence in his noble Friend the Lord Lieutenant of Ireland, he hoped that the Government would find some mode of expressing its disapprobation of the proceedings of these Presbyterian ministers. His belief was, that the Government had the means of remedying the evils of which he complained, and he trusted that it would not hesitate to authorise the proclamation of such large rewards as would lead to the detection of the perpetrators of such outrages. The noble Marquess concluded by declaring his conviction, that as surely as O'Connell, with all his agitation and monster meetings, had been incapable of attaining the repeal of the Union, owing to the resistance of the middle classes in Ireland, so surely would the threats and menaces of these personages be brought to nought, if the landlords of Ireland would only stand firmly together in resistance to their unconscionable demands, and would call upon the law and the Government not to allow these excitors to incendiarism and murder to remain unpunished.

LORD BROUGHAM: On a former night he expressed his opinion in strong reprobation of the letter which a rev. gentleman had then written to his noble Friend. That letter, reprehensible as it was, was nothing when compared to this which his noble Friend has just read. In all his long experience, both in this and the other House of Parliament, he could not charge his memory with any letter so remarkable for mere vulgar abuse and lowlived ribaldry, so unworthy of a gentleman, so unworthy of a man of education, and, above all, so utterly unworthy of a Christian minister, the minister of peace. The attack which he had made on the value of his noble Friend's land, and the menaces which he had directed against him personally, were neither to be extenuated nor defended. If those persons fancied that threats would make any noble Peer swerve from the performance of what he considered his duty, they would find themselves cruelly deceived, and bitterly ere long would they rue it. Whatever faults might be laid to the charge of their Lordships, of this he was very sure, that victims of intimidation they never would become. Of yielding to intimidation, they would never even be accused.

The EARL of DEVON said, he wished to say a few words with regard to any possible legislative interference on the subject of the relations between landlord and tenant. He hoped their Lordships would not be misled into confounding two things, most different in their character, which were mixed together in the agitation now going forward. These were claims for full compensation for capital put into the land in improvements, and what was called by the term of tenant-right. He had some experience of the nature of the claims put forward under these heads during the course of his inquiries on the Commission with which he had the honour of being connected, and he was aware that the most anomalous views were entertained on the subject. He should be sorry that any strong opinion should go forth from their Lordships' House opposed to the principle of securing to the tenant full compensation for any improvements made by him. It would, no doubt, be desirable that such matters should be the subject of arrangement between the landlord and tenant; but if mutual contracts were not found sufficient for the purpose, he, for one, would not object to any proposition for securing to the tenant full compensation by law for improvements made by him. That, however, was a totally different matter from what was called tenant-right; and he was satisfied that their Lordships would at once scout any proposition that might come before them to legalise that system of tenant-right in Ireland. The most extravagant representations had been put forward with regard to tenant-right. They amounted to neither more nor less than this, that if a tenant held, he would say, 100 acres of land at a fair rent from year to year, he should, if he chose to go away at any time, be entitled to expect eight or ten years' purchase of the farm for his interest in it, the rent paid being understood to be a fair one; and it was also expected that the landlord should be bound to accept the incoming tenant, whoever he might be, at the same rent as had been paid by the former tenant. Their Lordships would recollect that this was expected to be done, although there was no lease of the land, but merely a tenancy from year to year. He wished it to be understood that this was regarded by their Lordships in a totally different light from the question of compensation for improvements.

The EARL of RODEN said, that he fully

agreed in the observations which had been made by the noble Earl (the Earl of Devon) who had just sat down; for, perhaps, there was no man better able to give an accurate description of tenant-right than the noble Earl. He regretted to hear the awful accounts which had been given by the noble Marquess (the Marquess of Londonderry) of the condition of the county Down. He was resident as well as the noble Marquess in that county, and he should very much regret if it should be supposed that the whole of the county was in the state which the noble Marquess had described. He believed that the description could only refer to a few portions of the county. Meetings had been held at Banbridge and at Newtownards, in the neighbourhood of the noble Marquess's estate, in which language had been used which he would not have their Lordships think was generally approved of through the county. He did not defend one word which had been uttered at those meetings. The letter which the noble Marquess had read, every man must deprecate to the fullest extent—it certainly was most vulgar and abusive. But he knew that in his own neighbourhood no such feeling prevailed, and that no such opposition to the payment of rent was entertained. On the contrary, the accounts which reached him every day, showed more and more strongly that the people were making use of the valuable weather which God had given them at the present season to put in their crops. The noble Marquess had also alluded to the violent language of the Presbyterian clergy. He had no doubt but that the noble Marquess was perfectly correct, that individuals of that body to whom he had referred, had been violent in their language; but he would ask, was there any body, particularly so large a body as the Presbyterian clergy, in which individuals in the habit of using violent language were not to be found? He thought it was most unfair to involve the whole Presbyterian body in censure because some individuals had engaged in these proceedings. He had been for many years a resident in the county of Down, and knew the Presbyterian clergy of that county well, and he believed that a more respectable, a more correct, and loyal body of men, or more useful servants of the Master whom they served, did not exist, than the Presbyterian clergy of Down. Therefore when he heard them spoken of as a body in the manner in which they had been alluded to that night, he could not avoid standing up and bearing

this testimony in their favour. It would be a very great mistake to suppose that the whole of the county Down was pervaded by the same excitement and agitation which now unhappily prevailed in certain districts of it. On the contrary, there were many quarters of the county in which the violent proceedings which were practised in other parts were viewed with unqualified disapproval. In evidence of the truth of this statement, he might instance the fact, that a few days since a meeting of the tenantry of the Marquess of Downshire was held at Hillsborough, at which a resolution was unanimously adopted, declaratory of the feelings of reprobation with which the meeting regarded the violent language that had been held at Banbridge. The meeting also passed a resolution expressive of their confidence in the Marquess of Downshire, and their sincere appreciation of the justice and humanity of his conduct as a landlord. Many other facts might be cited, did time permit, to show that the state of feeling of which the noble Marquess so bitterly complained as existing throughout all the county Down, was merely confined to particular districts of that county. He was very sorry that a document so despicable in itself as that alluded to by the noble Lord had been taken so much notice of; for all that was said upon the subject only tended to invest with fictitious importance a matter of the smallest conceivable significance. Had these men been left alone, and if no notice had been taken of their absurd proceedings, the bad cause they had so much at heart would have long since died of mere inanition, and the men who promoted it would have sunk into oblivion. It would have been much better if the vulgar letter about which so much had been said had been thrust into the fire, instead of making it a subject of discussion in their Lordships' House. He regretted that such a course had not been taken, for their Lordships might rest assured that no surer means could be adopted to magnify such a mischief as had been in the present case intended, than to take notice of it.

LORD BROUGHAM begged to explain, that he would be very sorry if anything which had fallen from him in allusion to the Presbyterian clergy should be supposed to imply any charge against the Presbyterian body at large, or against the Presbyterian clergy at large. He never dreamed of making such a charge. On the contrary, nobody knew better than he did the



great merits of that body. He had had constant communications with them, both legislatively and judicially, and he could say, that a more respectable body he had never met with, or a body less inclined to be insolent in their communications with others. He might be allowed to add that, as the writer of that letter appeared to speak as if he were deputed by his brotherhood, it was to be hoped that the Presbyterian clergy would take an early opportunity of repudiating such conduct.

The MARQUESS of LONDONDERRY begged leave totally to deny that he had inculcated the body of the Presbyterian clergy. On the contrary, both on that night and on a former evening when the subject had been before their Lordships' House, he had spoken of that body generally with the greatest respect. He knew them to be a most excellent and loyal body of men; but their Lordships were aware that it was to be expected that in any large body some black sheep would be found. He would defy the noble Earl to show that the whole of the county of Down was not in a violent and excited state. It was very well to read an address got up by the agent of the Marquess of Downshire, but it was well known that the great agitation existing in the north of Ireland had been got up originally by the noble Marquess and the noble Earl themselves, having been putting their heads together. He felt bound to state that he had received a letter from a friend in the county of Down, who was also the friend of the noble Earl, stating it as the writer's opinion that Down was now in a worse state than Tipperary.

The EARL of MOUNTCASHELL said, he was happy to have heard the explanation of the noble Marquess, because he thought that, both on that occasion as well as on the former evening, the noble Marquess had not in the first instance made any exception in his censures on the Presbyterian clergy of the north of Ireland, but had brought forward what appeared to be a wholesale charge against the whole body, when he had intended to allude only to the conduct of individual members of that body. He did not mean to offer any palliation for the violence of the language that had been used, and he was sure the great majority of their Lordships would blame him if he were to attempt doing so. He was aware that any of their Lordships might get up and move that the writer of that letter should be brought to the bar of

the House, in which case he would, no doubt, be liable to very heavy punishment, but it was perhaps better that no such notice should be taken of the matter. However, if others should follow up the same course of conduct, it would be a question to consider whether it would not be right to bring the offenders to the bar of their Lordships' House, and punish them severely for the offence. One word on the subject of tenant-right. Connected as he was with the neighbouring county of Antrim, he begged to say that he did not believe the name of tenant-right had been ever heard or known until it had been invented by Mr. Sharman Crawford. The landlords of the north of Ireland had always been exceedingly attached to their tenantry, and their tenantry had been attached to them, until recent attempts had been made by ill-designing persons to separate them. The consequence was, that the landlords never took an unfair advantage of the tenants when improvements had been effected, by increasing the rents at the termination of a lease, but the tenure was renewed at a fair value. Latterly, however, an agitation had been got up by certain writers in local newspapers, and other busy bodies, which had excited a great deal of bad feeling in the north of Ireland. Some proceedings in the other House of Parliament had raised unfounded expectations among the tenants, who forgot that when they first got possession of the land it was under certain conditions, contained in a lease, binding both landlord and tenant. One of these conditions was, that at the expiration of the term the tenant promised to give up peaceable possession of the farm to the landlord, when, of course, the whole bargain ceased. As an instance of the extent to which the doctrine of tenant-right was carried, he would wish to mention a case that had occurred on his own property. Some eighty years ago his grandfather, wishing to give a gratuity to an old servant, granted him a lease of twenty acres of land, at a nominal rent of 6*d.* an acre, for three lives. The man sold his interest in the lease, and three years ago the lease expired; but the person holding the land considered that he had a right to have his purchase-money refunded, and also to be paid for improvements, though no improvements had been effected. The consequence was, that he (the Earl of Mountcashell) had to take legal proceedings to enforce his rights.

Petition read, and ordered to lie on the table.

House adjourned to Monday next.

## HOUSE OF COMMONS,

Friday, March 1, 1850.

MINUTES.] PUBLIC BILLS.—2<sup>d</sup> Registration of Deeds (Ireland).

Reported.—Court of Chancery (Ireland); Process and Practice (Ireland).

### THE NATIONAL LAND COMPANY.

SIR B. HALL rose pursuant to notice, to present two petitions, one signed by twenty-eight allottees in the Minster Level estate, and the other by forty-five allottees in the Snigg's End estate, complaining of the conduct of Mr. F. O'Connor in reference to the land scheme. He had forwarded a copy of the petitions to the hon. and learned Member for Nottingham, to whom he proposed to ask a question on the subject, but beyond that he should refrain from making any comment on the allegation of the petitioners, or to enter at all into the merits of the case, nor did he propose even to state the substance of the petitions, as he was anxious to avoid saying anything which might give rise to angry discussion. He would simply move that one of the petitions be read by the clerk at the table. [AN HON. MEMBER: The prayer, what is the prayer?] He would rather leave it to the clerk to read the prayer as well as the allegations of the petitioners.

[The petitions having been brought up, the Clerk proceeded to read the one from Snigg's End. It stated that the petitioners were members of the land company of which Mr. F. O'Connor was the chief promoter, and that they were allottees of the estate at Snigg's End; that they had been induced to join the company by the alluring statements contained in certain letters written by Mr. F. O'Connor, and published by him in his newspaper the *Northern Star*—the benefits granted to the members of the company were, to the holders of two shares, for which 2*l.* 12*s.* was charged, two acres of good land, a comfortable house, and 15*l.*; of three shares, three acres of land, a house, and 22*l.* 10*s.*; and of four shares, four acres of land, a house, and 30*l.*; the house and land to be allotted to them on such conditions as should enable them to become freeholders, and to live in comparative comfort and indepen-

dence on the produce of their own property—that they had confidence in Mr. F. O'Connor, knowing him to be a barrister and a man of considerable experience, and in an evil hour allowed themselves to be deluded by his representations, and to leave their employment to settle on these allotments; that no one of the many promises made to them by Mr. F. O'Connor had been fulfilled; that the petitioners were informed before they took possession of their allotments that they would be well tilled and manured, and prepared for cropping, but that the amount of labour bestowed on the land was wholly insufficient, and the petitioners were charged most exorbitantly for all that had been done; that, in consequence, their means had been exhausted; that they had been going wrong ever since; that all their capital was expended on the land, and that the return had been wholly insufficient to enable them to obtain even the common necessities of life; that, although, as they could prove, no industry had been wanting on their part to till and sow the ground, many of them never tasted animal food or malt liquor, but were compelled to subsist on cabbages, turnips, and such like vegetables, and had been unable to procure a single article of clothing; that the property was wholly vested in Mr. F. O'Connor, and, as they believed, had been conveyed to him, and was his absolutely in law; that he had never given any conveyance of the allotments to the petitioners, as promised, but had, on the contrary, exercised the power of distress as a landlord, though, as the petitioners believed illegally; that until the report of the Committee of the House of Commons appointed to inquire into the subject, they were not aware that the scheme was illegal; that without disputing the general accuracy of the accounts of Messrs. Grey and Finlaison, the auditors, there was one item they did not understand—that was, the amount which was stated by them to have been advanced in aid. It was stated in their accounts that Mr. F. O'Connor had paid 1,400*l.* to the allottees on the estate; but from inquiries the petitioners had made from house to house, they could not ascertain that more than 835*l.* had been advanced on that account. The petition concluded by praying the House to take their case into consideration, and to devise means for relieving them from the consequences of belonging, through no fault of their own, to an illegal society, and by a commission

of inquiry, or otherwise, to obtain information as to the true state of the estate and the occupiers, with the view of winding up the undertaking.]

SIR B. HALL would now put the question of which he had also given the hon. and learned Member for Nottingham notice. The question he wished to put was, whether the hon. and learned Member intended to convey to the allottees the title he himself held in this property, or to take any steps to wind up the concern, either by means of a Bill or otherwise, and what was the amount he calculated would be returned to each of the 7,000 shareholders?

MR. F. O'CONNOR would first answer the hon. Baronet's question, and then proceed to reply to the statements contained in the petition.

MR. HUME rose to order. He wished to know whether that House was prepared to enter into any or every petition which might be presented respecting all the speculations of past years? If the House of Commons were to become the arbiters in the case of disputed accounts arising out of such speculations, where was to be the limit? And if questions as to the private affairs of hon. Members were allowed to be put and answered in that House, what controversies and difficulties, and what delay in the progress of public business, might not result? He appealed to the Chair, therefore, whether the question which had been put was a proper one. There was an Act of Parliament to facilitate the winding up of joint-stock schemes, which might be made applicable to the present case; but, whether or not, it was not for the House of Commons to become the arbiters between the parties.

MR. SPEAKER said, it was the practice when a petition was presented reflecting on the character of any hon. Member, to indulge that Member so far as to allow him to give any explanation or to make any defence he might think necessary. Therefore, a petition having been presented reflecting on the character of the hon. and learned Member for Nottingham, if that hon. and learned Member desired to enter into any defence or give any explanation in reference to the matters alleged against him in the petition, he was, according to the usage of the House, at liberty to do so. But with regard to the questions which had been put by the hon. Member for Marylebone, he had much doubt whether they were strictly in order—inasmuch as they related not to any measure before

the House; and, strictly speaking, all questions put into that House should refer to some measure before it.

SIR B. HALL would then confine himself to this, which he submitted would be strictly in order. It would be recollected that there was a Bill introduced in 1843 in reference to this land company, which Bill was referred to a Select Committee, but was not afterwards proceeded with. He wished to know if it was the intention of the hon. and learned Member for Nottingham to renew any measure of that kind in the present Session, or to take any steps to wind up this scheme?

MR. F. O'CONNOR said, he would willingly answer any question put to him in the matter. He had spent a large sum of money out of his own pocket since the report of the Committee had issued, endeavouring to have the company registered, and the matter was before the Court of Queen's Bench at present. There were hon. Gentlemen in this House who knew that it was his intention to have handed over the properties in question to trustees; he would refer to the noble Lord the Member for Bath, and the hon. Gentleman the Member for Rochdale. These were two of the parties to whom he had offered to hand over the estates, when he was informed by the noble Lord the Member for Bath, that he would have nothing to do with them. As to the allegations of the petitioners, they stated that they had entertained great hopes of being able to do more than they found they were actually able to effect. He could only say that, as to the land, he had paid 50*l.* per acre for one estate, and 46*l.* per acre for the other. The cottages were built of the best materials—of the very best slates, costing 8*l.* per ton—and not one fraction of rent had been paid by the occupants of these cottages for two years and a half. When the Committee was sitting he had taken down several noble Lords and hon. Gentlemen; he had taken down the present Earl Talbot, the hon. Member for Limerick, and the hon. Member for Kilkenny, to see the estate of Sniggs's End, and they had expressed their astonishment at the high state of cultivation in which they found the land. Now, as to the aid money, he denied that the allegations of the petitioners were correct. He had, in many instances, paid the allottees 5*l.* per acre, and some of them had sold their allotments for sums varying from 80*l.* to 160*l.* Many of the parties, therefore, who had received the money in

aid, had now left their allotments. The hon. and learned Gentleman then proceeded to refer to various calculations and accounts, to show the amount of aid money which he had paid, and he went on to state that the auditor appointed by the Committee of the House had reported that the company owed him 3,400*l*. The next year the balance showed that the sum of 1,200*l*. was owing to him; and at the present moment the company were indebted to him to the extent of 4,600*l*. He had devoted all his energies for four years to the affairs of the company. He had spent, for long periods, more than 30*l*. a week travelling to inspect estates in all parts of England, from Devonshire to Cumberland, and he had never charged a fraction for his expenses. He had never given a bill for the company; he had never accepted a present on account of the company. He defied any man to prove that any one action of his had been in the slightest degree dishonourable. He defied the hon. Gentleman, although that hon. Gentleman had tried to cook up a report, which the Committee had, however, unanimously refused to adopt. ["Oh, oh!"] He defied him—

MR. SPEAKER called the hon. and learned Gentleman to order.

MR. F. O'CONNOR: He bowed to the decision of the Chair. He had placed 8,000*l*. of his own money in the land company. They owed him more than 8,000*l*. still. His greatest, his bitterest opponents had lately come forward to give evidence against him in the Court of Queen's Bench, but they had proved nothing against his character. He had been engaged in political life for eight and twenty years—he had spent thousands on the land company. He had never received a fraction back, or charged them, as he said before, with his expenses even; but he defied any man to charge him with mean, dishonest, or ungentlemanly conduct. It was not wonderful that a plan to elevate the labouring classes should be looked upon with hatred by certain parties in that House, or that a man connected with such a plan should be abused—should be looked upon with hostility and abomination. Not a newspaper in the kingdom but had reviled him and his plan. But what were the facts? It was now known that a man could support himself, his wife, and family, on the produce of two acres of land—such land as could be had for 14*l*. per acre. This was the statement of the hon. Gentleman the Member for the West Riding of Yorkshire; and

if it was correct, ought not a man to be able to support himself on four acres of better land, with a good house, and a liberal allowance to set him going? As for the petitions, the hon. Gentleman knew that they had been drawn up by a solicitor. [*Cries of "Order, order!"*] The hon. Gentleman was suffering himself to be made the attorney general of the allottees. Was it not true that many hon. Gentlemen who had entered the Committee prejudiced against him, left it with those prejudices dispelled? Of the 120,000*l*. which had been paid up by the company, not a farthing had passed through his hands. It went from the directors, through the person appointed, to the bank, where it was lodged. He had produced to the auditors every cheque and every receipt, and he defied any man to charge him with aught dishonourable. All the allottees were not in the circumstances of those who had petitioned. He held in his hand a letter from one of the settlers on the Minister Level estate, who held four acres in a high state of cultivation, and who asserted that if the others had been as industrious as he, they would now be as well off. As for the company, he was prepared, tomorrow, to wind up its affairs, if the Government would give him authority. He was ready to hand it over to trustees; he would be willing that the noble Lord at the head of the Government should name three trustees. [*Laughter.*] Hon. Gentlemen might laugh; but if he had millions of money he would go on buying land with it, and he believed that the landowners of this country would soon see the necessity of bringing their estates into the retail market. He again denied the charges brought against him. He denied that he had deluded or wheedled anybody in any way. God forbid that he should be such a wheedler as he could prove that two hon. Gentlemen in this House were. [*Cries of "Order, order!"*]

SIR B. HALL said, the hon. and learned Member had not replied to the question whether the hon. and learned Member was prepared himself to bring in a Bill as recommended by the Committee, or to bring under the consideration of the House any measures for winding up the scheme?

MR. F. O'CONNOR: Although the Committee reported that he had kept the accounts, they said he had kept them in a way rather against than for himself. He had been trying to get the company completely registered, but the hon. Baronet



asked him how much he meant to pay back those allottees who were not located.

SIR B. HALL said, the question he asked was whether the hon. and learned Member intended to introduce a Bill in the present Session of Parliament for the purpose of winding up the company, which the Committee of the House of Commons had declared to be illegal, and of which the Lord Chief Baron had more recently expressed the same opinion.

MR. F. O'CONNOR did intend to wind up the concern, and if the noble Lord at the head of the Government would give him an early day, he (Mr. O'Connor) would take the first opportunity of bringing in a Bill to wind up the company, and so wash his hands of the matter altogether.

MR. HUME considered that when the conduct of a Member of that House had been examined and sifted, to continue to reiterate charges, as had been done that night by the hon. Baronet, was not in accordance with the rules of that House.

Petitions to lie on the table.

#### PARLIAMENTARY VOTERS (IRELAND)

##### BILL.

The House went into Committee on this Bill; Mr. Bernal in the chair.

Clause 1 being proposed,

MR. G. A. HAMILTON proposed to insert in this clause the alterations of which he had given notice. He proposed this Amendment because he thought it desirable that it should be distinctly understood and expressed that it was not the intention of the Bill to annul, but to preserve, all the existing franchises which do not require occupation; and if he were to refer to subsequent clauses, he thought he could show that the language of the Bill was ambiguous in this respect. In proposing this Amendment, however, he wished to guard himself against being understood to be favourable to the rating franchise, as proposed in the Bill for counties. On the contrary, he thought that if it was necessary to augment the constituent body in Ireland, it would be better to do so by creating supplementary franchises without annulling any of the existing franchises, as was proposed in the Bill introduced by Sir James Graham, in 1844. He would only observe further, that the words he now proposed to introduce were contained in the Irish Reform Act.

MR. BRIGHT said, he should like to ascertain the views of the Government upon

the clause before any sudden alteration of it was made.

MR. HATCHELL observed, that in point of fact the Bill did not affect the franchise which the hon. Member for the University of Dublin sought to guard by this proviso. There was, therefore, no objection to add the proviso, if the House wished to guard against all ambiguity.

MR. ROEBUCK asked what was the question before the House? Hon. Members were called upon in the midst of a buzz to decide upon the franchise of the people of Ireland; and what was the question before them? He presumed the Government understood their own Bill, and that they had no objection to explain what was proposed.

MR. F. MACKENZIE said, the Amendment of the hon. Member for the University of Dublin was couched in the plainest terms, easy of comprehension.

MR. ROEBUCK said, a dozen amendments to the Bill stood on the paper, and that it was necessary to understand each distinctly, according as it was proposed.

SIR W. SOMERVILLE stated that the Amendment might be adopted, inasmuch as the Bill did not propose to affect any franchise in Ireland, except the franchise requiring occupation.

SIR F. THESIGER rose and said, that according to his reading of this Bill, it proposed to sweep away the whole existing franchise in Ireland for the purpose of reconstructing the representative system in that country. Undoubtedly the parties already registered (according to some of the clauses of the Bill) would have a *prima facie* right to be registered, but their right henceforth was to be defined according to the qualification to be established by the Bill. He thought it important in the outset that the Committee should decide whether they would adopt the view put forward by the Government, namely, that the existing franchise should remain only so far as a *prima facie* right to be registered was concerned; or whether they would adopt the words of his hon. Friend the Member for the University of Dublin, by which he proposed to retain all existing rights, and seek to supply any deficiency which might be found existing as to the number of electors in Ireland, by engrafting on existing institutions certain new rights which were to be established by the Bill. It was obviously the intention of the Government, in the present Bill, en-

tirely to clear the ground for the purpose of reconstructing an entirely new franchise. Now, whilst he admitted that owing to the decayed state of the representation in Ireland, it was necessary that new voters should be created, he thought it important that the Committee should decide as to the best mode by which that end and purpose could be effected. The Bill, as at present framed, almost entirely annihilated the distinction which, from the earliest period, had prevailed with respect to the borough and county qualification. From the time of Henry VI. the county qualification had been based upon property, and the borough qualification on the liability to parochial burdens, or the possession of corporate or municipal privileges. The Reform Act did not abolish that distinction, but it substituted an occupation franchise. With only a small variation, the property qualification was left untouched. The first inroad which had been made was by the Chandos clause of the Reform Act, which gave the right to vote to occupiers to the value of 50*l*. When that clause was proposed, the noble Lord now at the head of the Government objected to it—not on the ground of the abuse which might be expected to arise from it, but because he believed it would alter the basis upon which the Reform Act had settled the county qualification, namely, property, and not occupation. Now, the Reform Act embraced the three kingdoms, whose representation it was desired to assimilate as much as possible by that enactment. Prior to that Act, and as a part of the measure of Catholic emancipation, the 40*s*. freeholders were annihilated by the 10th of George IV., which provided that no persons should be entitled to vote unless possessed of a freehold of the value of 10*l*. above all charges. The Reform Act in England had established a right to the franchise on the part of assignees and lessees of terms, and in Ireland the same right was extended to assignees and lessees for sixty years, whether determinable or not, and if their lands were of the value of 10*l*., they were to be entitled to the franchise without occupation; so that a person who held an unexpired term of fourteen years at the rent of 20*l*., had a claim to the franchise without occupation, but was obliged to occupy, if his holding was only worth 10*l*., though held for twenty years. As the two countries were thus assimilated as far as possible, the proposed alteration became not merely an Irish but an Imperial

question. He thought it impossible to consider the proposed alteration without reference to those changes which must necessarily take place in the English constituencies, supposing that the measure, as proposed by the Government, received the sanction of Parliament. It had been erroneously supposed that this question of altering the franchise had been in agitation for fifteen years. That such an impression was incorrect, he thought he should be able to point out to the Committee. In the Reform Act for England, a new system of registration was introduced, revising barristers were appointed, and an annual registration established. At that time the Irish Members wanted the same system of annual registration to be extended to Ireland. But from a period as early as 1725, a system of registration had originated in Ireland, which had gradually developed itself until it was matured in the Bill of 1795. The certificate system was also adopted from this Act (the 35th George III.) into the Reform Bill; when the Irish Members therefore required the application of the new English representation to Ireland, Lord Althorp and Lord Stanley replied that it was an experiment, and that if it were found to succeed in England, it should be extended to Ireland. That took place in 1832. The system was tried and found to answer tolerably well for England; and, in 1835, the Government of the day introduced, through Mr. Serjeant O'Loughlen, a Bill for giving Ireland the annual registry and the power of double appeal, the only right of appeal then existing being in the case of the rejection of a party claiming to be registered. That Bill, which was purely directed to the registration, and did not touch the franchise, passed the House of Commons, but was rejected by the Lords. In 1836 a similar Bill was brought in, languished through the Session, and was dropped. In 1837, nothing was done on the subject; and in 1838, Mr. Serjeant Woulfe, on behalf of the Government, introduced a new Bill of registration, which was encountered by a rival Bill of Mr. Serjeant Jackson. Both these Bills remained to the end of the Session, and were then lost. In 1840 began that memorable struggle which followed the introduction of the Registration Bill by Lord Stanley. That Bill did not in the slightest degree attempt to disturb the existing franchise, but the Government were alarmed, and brought forward a rival measure.

Now, he could not forget the language held by the noble Lord at the head of the Government upon that measure of Lord Stanley's in 1840, which was intended purely and solely for the registration of voters. The noble Lord at the head of the Government said that—

"frequently as it had been his fortune to have to resist Motions which, he contended, had the obvious tendency of unsettling the Reform Act, and disturbing the franchise thereby given, he must declare that of all Motions calculated to unsettle that Act, this was the most formidable."

But if the provisions of that Bill of Lord Stanley's were compared with those contained in the measure then under discussion, the former would be found innocent indeed, and not at all calling for the remarks which the noble Lord at the head of the Government had then thought it necessary to use with respect to them. He (Sir F. Thesiger) only referred to these expressions of the noble Lord at a former period to show how necessary he thought it was to adhere to the Reform Act. In 1841—the Bills of 1840 having struggled for a short time in that Session—a new Bill was introduced by Lord Stanley solely for the purposes of registration. But the Government at that moment was tottering to its foundation, and finding it necessary to bid for popularity, they came forward with a Bill of their own. The notice of this Bill, originally given by Lord Morpeth, was confined to registration; but within forty-eight hours of its introduction, its title was changed, and it was called a Bill to alter and amend the representation as well as the registration in Ireland. The noble Lord then proposed to create a new class of voters. Persons rated to the amount of 5*l.*, and who held under lease for fourteen years, were to be entitled to registry. Now what had the right hon. Baronet the Member for Tamworth said on the occasion with respect to that proposal? He said that—

"not only was this Bill in respect of the poor-rate test imperfect, but it would create a complete revolution in the franchise."

The right hon. Baronet perceived that this proposition would annihilate that basis of property which ought to form the distinction of a county qualification, and denounced the attempt as soon as it was introduced. The Bill, however, was carried by a majority of five in that House, and was then suffered to drop. Before the next Session, a new Government came into office, and nothing was done with respect to the amendment

of the Irish registration until 1844. In 1844 the constituencies of Ireland had very much decreased, and the Government felt the necessity of augmenting their numbers. Accordingly, the Government of the right hon. Baronet the Member for Tamworth introduced a measure on the subject, which was perfectly consistent with the present Bill as far as they had gone, should the words proposed to be introduced by his hon. Friend the Member for the University of Dublin be inserted; because the Bill of Earl St. Germans did not disturb the existing franchise, although it proposed to create two entirely new classes of voters. The first class resembled somewhat the class proposed by the present Bill; to every person rated to the amount of 30*l.* in a county the right was given, thus assimilating the franchise of Ireland to the Chandos clause. The other class were a class of freeholders. On that occasion the noble Lord at the head of the Government did not object to the 30*l.* rating; but he suggested the extension of the 5*l.* qualification to a 40*s.* freehold, not, however, merely for life, but in perpetuity, and in cases of leaseholds renewable for ever. This proposal was laid before the House, but carried no further. He referred to it to show what were the views of the Government of that day, with which he had the honour to be connected, and to show that he was only acting consistently with the opinions he had at that period expressed, when he now asked the insertion of the words proposed by his hon. Friend the Member for the University of Dublin. Believing, then, in those principles, and desiring to see them carried out according to the Amendment which had just been moved by his hon. Friend, he should, of course, give it his full support. [THE ATTORNEY GENERAL: Hear!] His hon. and learned Friend the Attorney General might cheer; but perhaps his hon. and learned Friend might not be aware of the course which he (Sir F. Thesiger) intended to take, for he proposed upon this occasion to support the views which he had always maintained. He was particularly anxious in discussing a measure which was not only vital in itself, but full of the gravest consequences, that they should proceed carefully. It was of the highest importance that they should, with a measure of such a character, advance with caution and circumspection. They had learnt last night from the noble Lord at the head of the Government that he thought it would

not be desirable to introduce any measure as a substitute for the Reform Act, and that he did not approve of any change having reference to the representation of the people, unless it came in the shape of a Bill supplementary to that Act. The question for the House, then, was, should they legislate so as to clear away the present franchise, for the purpose of creating a substitute for the Reform Act; or should they take existing institutions as they found them, and graft upon them such supplementary rights as the exigences of the time required? Now, as to the Bill before them, he did not hesitate to say that it annihilated all existing franchises, and proceeded to reconstruct a new franchise, which, as to counties, was based upon an entirely new principle, and which would have the effect of introducing a class of constituents that appeared to him extremely dangerous. He would therefore put this question to the House—were they to go on according to the prudent and cautious recommendations of the noble Lord delivered to them last night, or take an opposite course? He thought that the cheer which they had heard from his hon. and learned Friend the Attorney General seemed to have proceeded from some opinion, that as the Government had conceded all that the Mover of the Amendment required, and agreed to insert the words which he proposed, therefore the observations made by him (Sir F. Thesiger) were wholly needless, and that he had trespassed upon the patience of the House unnecessarily. But he must be allowed to say, it was of very great importance that every one should clearly understand what was the real state of the question. If the Government made the concession which his hon. Friend the Member for the University of Dublin had requested them to make, would they proceed at once to the first question under the Bill? would they create a new class of county constituents? and what shall be the measure of the franchise? The Government proposed to create this new class by giving the franchise to the 8*l.* voters, namely, those who were rated to the poor to that amount. Upon this subject he had not had any communication with his hon. Friend the Member for the University of Dublin; but before he saw his Amendment, he had entertained an intention of making a proposition similar to that which his hon. Friend had just submitted to the House. All were agreed, at least in speaking for himself he could say that

he was fully convinced, of the necessity of making some considerable addition to the constituency of Ireland; and he thought that by the insertion of the words now proposed, and by which existing rights would be protected, they might approach the next question free from embarrassment, and decide what would be the proper amount of franchise, which, guarded by proper provisions, would probably raise up a free and independent class of voters. In supporting the Amendment, he had no other wish than to endeavour to give to the people of Ireland such a constituency as would be best adapted to their wants and wishes.

SIR G. GREY thought that if there were no opposition to the Amendment, those hon. Members were perfectly right who held the opinion that the sooner they proceeded to dispose of that Amendment the better. The speech that the House had just heard from the hon. and learned Member for Abingdon was one which took a wide historical range, and which took a full view of the principle of the Bill. It was a speech which might very well have been delivered on the second reading, or reserved till the third reading of the Bill; but it certainly was a speech scarcely suited to the consideration of a Bill in Committee. As to the Amendment proposed by the hon. Member for the University of Dublin, it was one which involved no new principle. If it had the effect, as some hon. Members supposed it would, of making a subsequent clause in the Bill more clear, then that was an additional reason in its favour. The Government admitted the words which the hon. Member proposed to insert, but they did not admit that there was any ambiguity in the Bill.

Amendment agreed to.

MR. HENLEY said, that the Bill should establish more clearly than it did the connexion that ought to subsist between the possession of land and the right of voting; it should also do away with anything that might possibly occasion battling in the registration courts. Now, he wished to call the attention of the House to this, that the Bill required that all parties liable to poor-rates should be registered without reference to the valuation—that the valuation was afterwards to be ascertained by means of the rate-book, and it was proposed by the Bill that the last rate before a certain time should determine the right of voting; but there was a proviso at the end of the



clause that any person voting in right of being rated to the poor must be an occupier for twelve months; and it was further provided, that the union clerk must place such occupiers upon the list of those entitled to vote. Those lists were to go to the high constables, and by them were to be transmitted to the clerks of the peace, and so on to the revising barristers; and it appeared that the high constables were to write the words "objected to" opposite the names of those who had not been residents or occupiers for twelve months. How could the high constables be qualified to do that—how were they to know whether a man was an actual or a constructive occupier? If such a law were to come into operation, faggot votes might be created indefinitely. On the approach of an election, two persons might easily create such a relation between themselves regarding almost any tenement as might amount to occupancy, and an occupier so created might, on tendering a certain amount of rates, claim to be placed on the list of voters. But, if not assessed in respect of a distinct tenement, neither he nor any other person could tell the amount of rates due. It would be impossible to do that unless his tenement were separated from the rest of the holding. He begged the House to look for a moment at what an element of discord this would introduce into the boards of guardians; but he believed it might be prevented by following up the principle of the English Reform Act. Now, as to the time of occupation. The Bill now before them permitted no question to be raised while the register was in force as to the continuance in occupancy. Formerly, the voter must have been two years at the least in occupancy; and with reference to this Bill, he thought that it ought not to require a voter to be registered in respect merely of the last rate before a certain time, but they ought to require that he should have been rated for twelve months or two years. In his opinion, the shorter the time the greater was the facility for creating faggot votes. Amongst the other objections which he had to the clause, and to the Bill generally, was this, that it must have the effect of making the boards of guardians political, which he considered to be a very great evil indeed. He should prefer two years, but even one year would be better than no definite time.

Amendment proposed in page 1, line 13, to leave out the word "occupy," in order

to insert the words "have occupied as tenant or owner."

The ATTORNEY GENERAL said, that the hon. Gentleman wished to restrict the word "occupier," by the words "tenant or owner." That would have a considerable effect on the constituency, and create great confusion and absurdity in the registration courts, which the hon. Gentleman wished to avert. If the right to vote was confined to tenants and owners only, they would have vexatious questions raised about the legal right of tenants who might have had notice to quit; and landlords wishing to deprive other people of their right to vote, could serve notice to quit that might throw serious doubt as to the legality of a man's tenancy. Then the hon. Gentleman proposed, instead of one year's occupation, to substitute two years, with a two years' rating also; the effect of which would be, that if a man was not put upon any one rate during the whole of the two years' occupancy, he would lose his franchise. The hon. Gentleman was mistaken in his fears that unqualified persons would get upon the register; because, if a person rated to the last year, and who had paid it, had not occupied for the twelve months required by the clause, his own neighbours could object, and have the name struck off. Upon these grounds he must object to the Motion of the hon. Member for Oxfordshire.

SIR F. THESIGER thought the Committee much indebted to his hon. and learned Friend the Attorney General for his interpretation of this clause, because it was clear that the Government wished persons who were neither tenants nor owners to have votes. ["Hear, hear!"] If his hon. and learned Friend did not mean that, if persons only made themselves occupiers, and continued themselves occupiers, they would be made voters, then why did he refuse to introduce the words, "tenant or owner," suggested by his (Sir F. Thesiger's) hon. Friend the Member for Oxfordshire, to remove all doubt and ambiguity? Again, he would seriously ask his hon. and learned Friend the Attorney General whether he believed any man could entertain the slightest doubt of a person being a legal tenant merely because he was under a notice to quit that had not expired? But just look at the converse of this case: look at the case of a man under a notice to quit that had expired, with an election approaching, and the man knowing that if he only continued

*de facto* occupier he should be entitled to vote in the present state of this Bill—what an interest they would give to such persons in continuing their occupation of the land after the tenancy had expired—and what an index of what was lurking behind in the intentions of the Government was such an explanation as its organ had offered for refusing to give a clear and definite meaning to the words of the clause. Let the Committee at least have some expression introduced to qualify the term occupier, and ensure that a man was a fair and *bona fide* occupier at the time that he registered, or that he gave his vote.

The ATTORNEY GENERAL said, he had been entirely misunderstood by the hon. and learned Member for Abingdon. What he had stated was, not that any question could arise about the tenancy of a man whose notice to quit had not expired, but that landowners wishing to withhold the right to vote from their farmers, could serve on them notices to quit whenever they anticipated an election; and then the legality of the tenancy might be questioned. [Sir F. THESIGER expressed dissent.] The hon. and learned Gentleman doubted whether such a question could arise. Well, he would refer him to the Waterford case, where a large disfranchisement took place. If the Amendment of the hon. Member for Oxfordshire was acceded to, nice discussions might ensue as to the legal meaning of the word “tenant,” and they would have Committees of that House deciding on such points without a knowledge of the law on the subject. As to any secret meaning lurking beneath the phraseology of the clause, he (the Attorney General) could detect nothing of the kind, and was sure the suspicion was groundless.

SIR F. THESIGER would ask the hon. and learned Gentleman if he did not mean that a *de facto* occupier, occupying against the will of his landlord should be entitled to vote, for the purpose of escaping any difficulty that might otherwise arise as to what was a legal tenancy?

The ATTORNEY GENERAL said, the Bill meant that every person occupying a farmhouse or tenement, as described, should be a voter if he were rated; and if he were asked his individual opinion, he thought the larger sense of the term “occupier” should be adopted in the clause, because he did not think the franchise should be made to depend on a contest between a landlord and his tenant.

MR. LAW considered the hon. and learned Attorney General had answered the question in a most satisfactory manner to those who suspected that this Bill would create more occupiers in Ireland than would have the right to occupy. He would support the hon. Member for Oxfordshire in his Amendment to confine the franchise to “owners or tenants,” and ventured to suggest that the hon. Gentleman should separate this Amendment from his other Amendments, and take the sense of the Committee upon it first.

MR. BRIGHT said, it had appeared in evidence before a Parliamentary Committee, that certain landed gentlemen in Ireland on some occasions had served no less than 500 notices to quit on their tenants, and that on certain estates it was the custom of the agent to serve a notice to quit on every tenant every six months. If that were a fact, it was one which was much to be deplored. In this measure they must not allow the introduction of words that could cause any dispute in Parliamentary Committees, or any quibble in Irish courts, by which the franchise in Ireland might be done away with. He thought the hon. and learned Attorney General was perfectly right in maintaining this simplicity of phraseology, because it was the object of Parliament, the object of Government, and of those who supported this Bill, that the franchise should be given to all who were in the occupation of land in Ireland. If there were any dispute as to the right of possessing land, that dispute ought to be settled in the ordinary course of law, and certainly the landlord class in Ireland were the last class of men in the world to come before that House and say there was not legal provision for the maintenance of their rights in Ireland.

MR. SHEIL would offer the Committee an illustration that came under his own notice. He was formerly Member for the county of Louth, in which there was a mountain called Carlingford. Thirty fishermen repaired to that mountain, and possessed the site for twenty years. They said they were not tenants, and the landlord said he was the owner. Now, if the words “tenant or owner” were inserted in the clause, these thirty fishermen would have no vote. [Sir F. THESIGER: They had twenty years’ possession. But supposing the possession had been but nineteen years, every one of them would have lost his vote].

MR. HENLEY said, he had only intro-

duced the words used in the English Reform Act, which had received judicial decisions over and over again, and were, therefore, free from all ambiguity. But if they introduced the word "occupier," although they might think it simple, depend upon it the lawyers would find plenty of room to squabble about its meaning. As to the rating, he only wished to adopt the precedent of the English Reform Act. They ought not to refuse to use words on which certainty had been arrived at for the mere sake of letting in squatters, for it came to that, who had gone on the land and remained there without any legal tenure.

Mr. HATCHELL said, he would show what had rendered this measure indispensable. Under the Reform Bill the franchise was 10*l.* under a lease for twenty years, and therefore the franchise depended on tenure. The effect was, that the landlord refused to grant leases, and the franchise had almost expired. The object of the present Bill was to remedy that crying grievance, and therefore it was proposed to give the franchise to every person who had been an occupier twelve months. Then it was put on the other side that a tenant who was served with a notice to quit would insist on exercising the franchise when he was no longer an occupier. For example, if he were served with a notice on the 1st of November, to quit on the 1st of May, but still continued to occupy, he would have no right to go before the revising barrister and register in the ensuing summer. That might occur in some instances, but see what might happen on the other hand if these words were added. A landlord who had twenty or thirty tenants on his estate, occupying from year to year, might on the 1st of November give them notice to quit, and disfranchise the whole of them on the 1st of May following.

Mr. GROGAN said, if a tenant continued to occupy after the expiration of his notice he violated the law, and it was clear that unless the Amendment were adopted, a wrongful tenant overholding his occupancy would be entitled to vote, for the only questions that could be put to him were—"Are you the same person whose name appears upon the register?" and, "Have you already voted at this election?"

SIR F. THESIGER: Did the hon. and learned Attorney General intend to give a stronger right in counties than in boroughs?

When the Act came to voting in boroughs, the words used were, "tenant or owner," while in the county it was, "occupier and owner;" so that, unless the Amendment were agreed to, a person might hold a wrongful occupation in counties and vote, but he could not be a wrongful occupier in boroughs and vote. Thus the county franchise was put infinitely lower than that for the boroughs.

Mr. SADLEIR, from his knowledge of Irish affairs, felt compelled to oppose the Amendment, because it would be opening a wide field for litigation and fraud. The practice of serving notices to quit annually was extensively resorted to in Ireland, on account of the unsatisfactory state of the relations between landlord and tenant, which he sincerely hoped would be remedied by the Bill of the Government on that subject. There were also alternate notices to quit, running over a period of twelve months, on account of uncertainty when the tenancy commenced, and in these cases the tenancy might be called in question all the year round.

Mr. ROEBUCK would suppose that the person who was the wrongous occupier did vote. The House wanted to increase the number of voters in Ireland. On both sides of the House it was admitted that there were difficulties in the way of doing so in consequence of litigation. Well, what was the class of men who would vote under the supposed case of wrongful occupation? Looking at the case as legislators and as statesmen, and not as lawyers, he would ask what would be the mischief of including these individuals in the constituency created under this Bill? They must be persons who had occupied lands and tenements of the value of 8*l.* for twelve months, and who must have paid their rates up to the first of July. Well, suppose there were 20 cases, or 500 cases, if, they would, in which there were quarrels between landlords and tenants, and in which the latter might be said to be wrongful holders. Now, he would ask whether the House of Commons were prepared to say that these were a class of persons who were unworthy of the franchise? He believed they were not, and if they wished to uphold the representative system of Ireland, and to extend the franchise, they must brave this difficulty. One consequence of passing this Bill as it stood would be, that they would deprive the landlords of a motive for quarrelling with their tenants.

MR. G. A. HAMILTON said it was apparent, according to the statement of the hon. and learned Attorney General that under this Bill a tenant, who ceased to be a legal tenant, might be registered, and vote; and he asked the Committee if a voter of that kind would not be a fictitious voter?

The ATTORNEY GENERAL apprehended that if a man were in possession, and paid the rates, he was not the less a *bona fide* occupier because he had received a notice to quit.

SIR D. NORREYS remarked that, according to the construction put on this measure, if a tenant had a notice to quit, but still overheld until the time of election, he was to be considered a *bona fide* occupier until he was put out of possession in due course of law.

SIR F. THESIGER said, his hon. and learned Friend the Attorney General had introduced a new term. He now spoke of a *bona fide* occupier; and as he understood the explanation of his hon. Friend who had last addressed the House, he understood the Attorney General to mean by *bona fide* occupier the actual occupier. But he (Sir F. Thesiger) asked, was there no distinction to be made between the wrongful and rightful occupier? Was it to be said that any person, no matter what his title might be, if he be an occupier, is entitled to vote?

MR. MOORE said, the votes created by this clause would be worse than fictitious, they would be conditional; for if a tenant came to vote, and voted against his landlord, the agent would raise the objection that he had had notice to quit.

MR. HENLEY: The hon. Member who spoke last could not have read the Bill, because the only questions that could be put were, "Are you the person whose name appears upon the register?" and "Have you voted before at this election?"

LORD C. HAMILTON said, as the hon. and learned Attorney General feared the Amendment would lead to litigation, he had better make the clause more clear, by saying occupier *de facto*, whether *de jure* or not. The hon. and learned Member for Sheffield had asked what harm would arise from wrongful holders voting. It was obvious that a man over-holding, might not only retain his own vote wrongfully, but prevent some one else from voting.

MR. ROEBUCK said, the noble Lord omitted to observe that the party must have been rated, and must have been in occupation a whole year.

MR. W. BROWN would not take a lawyer's view of the subject, but would take a common-sense view of it. Let them simply prove the occupation, and let that occupation be quite sufficient.

MR. HILDYARD thought that by omitting the words proposed to be inserted by the Amendment, they would admit to the franchise persons who occupied *de facto*, though their occupation was only the occupation of servants.

MR. HENLEY wished the Committee to understand that they were about to divide only upon the first part of his Amendment, which proposed to substitute the words "have occupied as owner or tenant," for the words used in the clause.

Question put, "That the word 'occupy' stand part of the Clause."

The Committee divided:—Ayes 166; Noes 102: Majority 64.

#### List of the AYES.

Adair, R. A. S.	Enfield, Visct.
Aglionby, H. A.	Evans, Sir De L.
Alcock, T.	Evans, J.
Anson, hon. Col.	Evans, W.
Armstrong, Sir A.	Fagan, W.
Armstrong, R. B.	Fagan, J.
Arundel and Surrey,	Fergus, J.
Earl of	Ferguson, Sir R. A.
Baines, rt. hon. M. T.	FitzPatrick, rt. hn. J. W.
Barnard, E. G.	Foley, J. H. H.
Bass, M. T.	Fordyce, A. D.
Bellew, R. M.	Forster, M.
Berkeley, Adm.	Fortescue, hon. J. W.
Berkeley, C. L. G.	Fox, R. M.
Bouverie, hon. E. P.	Fox, W. J.
Boyle, hon. Col.	Gibson, rt. hon. T. M.
Bright, J.	Grace, O. D. J.
Brocklehurst, J.	Graham, rt. hon. Sir J.
Brotherton, J.	Grattan, H.
Brown, W.	Grenfell, C. P.
Bunbury, E. H.	Grey, rt. hon. Sir G.
Busfield, W.	Grey, R. W.
Campbell, hon. W. F.	Hall, Sir B.
Carter, J. B.	Hallyburton, Ld. J. F. G.
Caulfeild, J. M.	Harris, R.
Cayley, E. S.	Hastie, A.
Clements, hon. C. S.	Hastie, A.
Clifford, H. M.	Hatchell, J.
Cobden, R.	Hawes, B.
Colebrooke, Sir T. E.	Hayter, rt. hon. W. G.
Collins, W.	Headlam, T. E.
Cowan, C.	Henry, A.
Cowper, hon. W. F.	Heywood, J.
Craig, W. G.	Heyworth, L.
Dawson, hon. T. V.	Hobhouse, T. B.
Devereux, J. T.	Hodges, T. L.
Douglas, Sir C. E.	Howard, hon. C. W. G.
Drummond, H.	Howard, hon. E. G. G.
Duncan, G.	Jackson, W.
Dundas, Adm.	Jervis, Sir J.
Dundas, rt. hon. Sir D.	Keating, R.
Dunne, Col.	Kershaw, J.
Ebrington, Visct.	King, hon. P. J. L.
Ellice, E.	Labouchere, rt. hon. H.
Ellis, J.	Langston, J. H.



Lemon, Sir C.	Power, N.
Lennard, T. B.	Pusey, P.
Lewis, G. C.	Reynolds, J.
Littleton, hon. E. R.	Rich, H.
Loch, J.	Roebuck, J. A.
M'Cullagh, W. T.	Romilly, Sir J.
Meagher, T.	Russell, Lord J.
Mahon, The O'Gorman	Sadleir, J.
Martin, C. W.	Salwey, Col.
Maule, rt. hon. F.	Scholefield, W.
Melgund, Visct.	Scrope, G. P.
Mitchell, T. A.	Scully, F.
Moffatt, G.	Shafto, R. D.
Monsell, W.	Sheil, rt. hon. R. L.
Moore, G. H.	Smith, J. B.
Morison, Sir W.	Somerville, rt. hn. Sir W.
Mostyn, hon. E. M. L.	Spearman, H. J.
Mowatt, F.	Stansfield, W. R. C.
Mulgrave, Earl of	Stanton, W. H.
Norreys, Sir D. J.	Strickland, Sir G.
Nugent, Lord	Stuart, Lord D.
O'Brien, Sir T.	Sullivan, M.
O'Connell, M.	Tenison, E. K.
O'Connell, M. J.	Tennent, R. J.
O'Flaherty, A.	Thicknesse, R. A.
Ogle, S. C. H.	Thompson, Col.
Ord, W.	Tollemache, hon. F. J.
Osborne, R.	Towneley, J.
Paget, Lord C.	Townley, R. G.
Paget, Lord G.	Tufnell, H.
Palmerston, Visct.	Walmsley, Sir J.
Parker, J.	Watkins, Col. L.
Patten, J. W.	Wawn, J. T.
Pechell, Sir G. B.	Wilson, M.
Peel, F.	Wood, W. P.
Perfect, R.	Wrightson, W. B.
Pigott, F.	Wyvill, M.
Pilkington, J.	TELLERS.
Pinney, W.	Hill, Lord M.
Power, Dr.	Howard, Lord E.

### List of the NOES.

Arbuthnott, hon. H.	Fuller, A. E.
Bailey, J., jun.	Gaskell, J. M.
Banks, G.	Gladstone, rt. hn. W. E.
Barrington, Visct.	Gore, W. O.
Bateson, T.	Goulburn, rt. hon. H.
Bennet, P.	Greenall, G.
Beresford, W.	Greene, T.
Best, J.	Grogan, E.
Bramston, T. W.	Hale, R. B.
Brisco, M.	Hamilton, G. A.
Broadwood, H.	Hamilton, J. H.
Buller, Sir J. Y.	Hamilton, Lord C.
Bunbury, W. M.	Harris, hon. Capt.
Burghley, Lord	Heneage, G. H. W.
Cabbell, B. B.	Herbert, H. A.
Carew, W. H. P.	Herries, rt. hon. J. C.
Castlereagh, Visct.	Hervey, Lord A.
Chatterton, Col.	Hildyard, R. C.
Clerk, rt. hon. Sir G.	Hildyard, T. B. T.
Cobbold, J. C.	Hill, Lord E.
Cocks, T. S.	Hood, Sir A.
Cole, hon. H. A.	Jolliffe, Sir W. G. H.
Corry, rt. hon. H. L.	Jones, Capt.
Dod, J. W.	Ker, R.
Dodd, G.	Knight, F. W.
Duckworth, Sir J. T. B.	Knox, Col.
Duncombe, hon. A.	Law, hon. C. E.
Duncombe, hon. O.	Lennox, Lord A. G.
Forester, hon. G. C. W.	Lennox, Lord H. G.
Fox, S. W. L.	Leslie, C. P.

Lewisham, Visct.  
 Lindsay, hon. Col.  
 Lockhart, W.  
 Lowther, hon. Col.  
 Lowther, H.  
 Macnaghten, Sir E.  
 Mandeville, Visct.  
 Manners, Lord G.  
 Manners, Lord J.  
 March, Earl of  
 Miles, W.  
 Mullings, J. R.  
 Mundy, W.  
 Naas, Lord  
 Neeld, J.  
 Newdegate, C. N.  
 Newport, Visct.  
 Ossulston, Lord  
 Plowden, W. H. C.  
 Prime, R.  
 Pugh, D.  
 Repton, G. W. J.  
 Sandars, G.

Sandars, J.  
 Scott, hon. F.  
 Smyth, J. G.  
 Sotheron, T. H. S.  
 Spooner, R.  
 Stafford, A.  
 Stuart, H.  
 Taylor, T. E.  
 Thesiger, Sir F.  
 Thompson, Ald.  
 Tyrell, Sir J. T.  
 Verner, Sir W.  
 Vesey, hon. T.  
 Vyse, R. H. R. H.  
 Waddington, H. S.  
 Walpole, S. H.  
 Walsh, Sir J. B.  
 Wegg-Prosser, F. R.  
 West, F. R.

### TELLERS.

Henley, J. W.  
 Mackenzie, W. F.

MR. HENLEY then begged to move another Amendment, of which he had given notice, and which had reference to the payment of rates. The object of the Amendment was to strike out the words "the last rate," and to insert all rates made during the year. He understood that the noble Lord at the head of the Government proposed that the party who shall be rated shall occupy for a year, but that he shall be only rated for the last rate. The proviso for payment was, that he shall only pay the rate due at the preceding January; but he presumed the intention of the noble Lord was, that the party shall, as in England, be rated for the rates during the year. He was sure the noble Lord did not intend to throw dust in their eyes; and if he thought the principle which he (Mr. Henley) advocated was a just one, he would rather leave it to him to introduce the words. On the contrary, if the noble Lord did not agree with him, he should take a division on the Amendment.

The ATTORNEY GENERAL could not agree to the proposition. The insertion of these words would make the clause utter nonsense. It did not appear whether the year was to be calculated from the date of registration, or the time of voting. The object of the Amendment appeared to be to require that an occupier should be rated to the amount of 8*l.* during the whole year; but such was not the principle of this clause. The principle of the clause was, that the last rate made within the given time was the test of value. If a man who entered on land which was worth only 5*l.* a year so raised its value by a proper expenditure of money and labour as

to make it worth 20*l.*, surely it would not be contended that that man had no right to a vote?

MR. G. A. HAMILTON said, that the last rating was the test of value, but what his hon. Friend the Member for Oxfordshire proposed was that rating during the year should be required also as the test of occupation.

SIR D. NORREYS said, that the consequence of requiring a man to be rated for an entire year, would in some cases render a person incapable of exercising the franchise, although he might have been in actual occupation for sixteen months.

MR. BRIGHT said, that he had had opportunities of seeing the great difficulties which had arisen, and the great injustice which had been created, in consequence of requiring a person to be rated for every separate rating, and that was with him a stronger reason than any which had yet been given for desiring to see the clause remain as it was. If there were three or four rates in the year, there was the greater chance of a person being omitted in the rate-book, either designedly, or through neglect; and there were many more obstacles interposed to the acquirement of the franchise. That, he believed, was precisely the object which hon. Gentlemen opposite had in view, and, therefore, they ought to be the more strict in guarding against any such result. In Dublin, as his hon. Friend below him could inform the House, the law had interposed a dozen almost impossible steps which the elector had to travel before he could acquire the franchise. Their object should be to simplify the franchise as much as possible. Whatever franchise was to be given, let as little difficulty and delay as possible be thrown in the way of its acquisition. It was for this reason that he preferred the clause as it stood to the proposal of the hon. Gentleman the Member for Oxfordshire.

MR. HENLEY said, it was now perfectly clear that the object of Government was to enable a man to be registered, who, although he might occupy a tenement worth only 10*s.* a year, might be rated by the guardians at 8*l.*, a few days before the day of registration. He would, therefore, propose to substitute for the words "last rating for the time being" the words "and shall be rated during the occupation hereinafter required to all rates made."

LORD J. RUSSELL begged to call the attention of the Committee to the restric-

tions contained in this clause. In the first place they had the occupier, and they said that he was not to have a vote merely because he was an occupier, but they required, in addition, that he should be rated in the last rate to the support of the poor at the value of 8*l.* In a subsequent part of the clause they required him to occupy for a year before he could claim to be registered, and likewise that he must have paid, by the 1st of July, any rate that might have been due by him for such occupation up to a day in the January preceding. Here were three considerable restrictions; and, as the case put by the hon. Member for Oxfordshire was barely a possible, but certainly not a probable, case, or one that was likely frequently to occur, he was not disposed to accede to the Amendment, and would adhere to the clause as it stood.

MR. W. MILES said, where a property qualification was the principle of this Bill, surely rates of all descriptions should be paid, to perfect a qualification to vote.

MR. LAW said, it appeared to him that the noble Lord at the head of the Government had not met the whole difficulty. The noble Lord had suggested that there were certain tests which, on being applied, ought to confer qualification on a voter; and the noble Lord had referred to the provision that no person should be registered in any year unless he should have been such occupier for twelve months, and should have paid all the poor-rates in respect of his premises. Now, he might not have been rated at all to the last rate—not merely not rated to the amount of 8*l.*, but not rated at all, and not known by any person in the neighbourhood to have been the occupier. He might not have been rated, and might not have paid a shilling in respect of rate. The words were "paying all rates in respect of such premises," and not in respect of such occupation. He was not liable to pay anything to which he was not rated; therefore a single rate made to qualify a man as a voter—say for 8*l.* a year—might qualify a man who had escaped the notice of everybody who was subject to that rate previously.

MR. CLEMENTS thought it was impossible for the occupier to make a fictitious valuation.

MR. LAW explained that he did not say that the occupier might make a fictitious valuation; he said the party himself might procure himself to be rated when there was an expectation of an election.

SIR F. THESIGER said, it appeared

to him his hon. Friend the Member for Oxfordshire would hardly accomplish the object he had in view by the present Amendment. It had been said on the other side of the House that there could be no change in a county valuation but from seven years to seven years, and if a person during that period had improved the value of his property he was the description of person who ought to be rated. Now, he (Sir F. Thesiger) had no apprehension whatever that such a man, if entitled only to be rated at 10s., would induce the guardians to put him down at a sum of 8*l.* He believed such an instance would be of extremely rare occurrence. He would therefore suggest that it would be prudent for his hon. Friend not to press his Motion.

Mr. HENRY said he would not divide the House.

Motion withdrawn.

Same clause:—Motion made, and Question proposed, "That the blank, page 2, line 4, be filled with 'eight pounds.'"

MR. G. A. HAMILTON said, he was well aware that, in moving an Amendment which would have the effect of raising the qualification of voters in counties, he would be met by the charge already made in the course of the debate, that he was actuated by an undue desire of curtailing the franchise, and of depriving his countrymen of those privileges which the Bill proposed to extend to them. He did not know that it was necessary for a Member of Parliament to reply to such charges as those. But he would say at once that he subscribed to the constitutional doctrine which he recollected having heard expressed by the noble Lord opposite (Lord John Russell), that it was the right of the whole population, both in England and in Ireland, to have the best kind of government and the best system of representation which it was possible for Parliament to confer; and he had recently read an opinion quoted from Mr. Fox by Sir James Graham, in one of the former discussions on this very subject, in which he (Mr. Hamilton) fully coincided, namely, that the best qualification as the basis of the representative system was that which included the largest number of independent voters, and excluded the largest number of dependent voters. It was said, that because in England the number of electors bore a larger proportion to the whole population than in Ireland, that, therefore, it was necessary to increase the Irish constituencies; but he could not admit that the franchise ought to rest upon any such

arithmetical calculation as that. The real question which they had to consider was, what amount or qualification of franchise was practically the best calculated to afford good government and representation to Ireland—and what was the best representative system that could be established in Ireland for the interests of the united kingdom. His hon. and learned Friend (Sir F. Thesiger) had given a very able summary of the existing laws in Ireland, with regard to the franchise and registration, which would render any statement of that kind unnecessary on his part. But he would just remark, that at the time of the Reform Bill, when all these matters were fully discussed, certain principles were laid down which he thought it would be most unwise to depart from now. New franchises were then created, and a balance struck between the county and the borough interests—property being made the basis of the one, and house occupancy the basis of the other. Three essential conditions were attached to the property franchise for counties in Ireland, namely, actual possession—a certain tenure or title—and a certain profit or beneficial interest. These, the Committee should bear in mind, were the conditions of the county franchises under the Reform Act. His hon. and learned Friend had referred to the several Bills which had since been introduced; and he (Mr. Hamilton) would also refer to them very briefly for the purpose of showing how Parliament had acted in reference to these conditions of the franchise under the Reform Bill. In 1841, Lord Morpeth introduced a Bill for altering both the franchise and the system of registration, and in introducing it he used the following words:—

"I do not propose to make any material alteration in the tenure under which the franchise is at present enjoyed."

It would be a novel principle to fix the franchise purely upon rating without reference to tenure. And the noble Lord then proposed to annex to the qualification of a tenement rated at 8*l.* a tenure of not less than fourteen years. How did the House deal with this? Why, Sir James Graham said, he would resist the second reading of the third clause. If this extension be granted to Ireland, how can you resist its introduction into England and Scotland? If the 5*l.* or 8*l.* qualification is a sufficient test of respectability and independence in Ireland, why should it not be in England and Scotland? These were then the sentiments of Sir James Graham.

Were they not equally applicable now? He (Mr. Hamilton) could fully understand that the right hon. Members opposite, who were the strong and conscientious advocates of the most extended franchise in England, should hail this measure of Government as a great boon, for he did not see how it was possible to resist the force of the argument used by Sir James Graham in 1841; other Members of high character as statesmen used similar language. Observe this was an 8*l.* rating qualification, with a tenure of fourteen years, without any profit or beneficial interest. Lord Howick was not satisfied with this—he proposed an Amendment that there should be a 5*l.* excessive value beyond rent and charges, by comparing the poor valuation with the lease; and in proposing it he said—

“ I view the principle of basing the county qualification on property as not only consecrated by long practice and the usage of the constitution, but I think it also in accordance with sound sense and reason, for it is a legitimate inference that the possessors of property will, on the whole, be the class of persons most capable of exercising the franchise with independence, and having themselves some stake in the country, will be anxious to discharge honestly the duty imposed on them.”

These, were then, Lord Howick's sentiments; and on a division the House of Commons affirmed these sentiments, the numbers being for Lord Howick's Amendment 291, against it 270. This showed the feeling of the House of Commons in 1841 on this important subject, and how tenacious they were as to the conditions of the county qualification under the Reform Act. Now he (Mr. Hamilton) felt that if a rating qualification was to be established for counties, the only manner in which it could be reconciled with the principles of the Reform Bill would be by fixing such an amount of rating as would afford a reasonable test that the person rated possessed a stake in the country equivalent to that which the Reform Bill intended he should possess. The lowest beneficial interest at which the Reform Act conferred the franchise was 10*l.* above all charges. It was not very easy to lay down a principle in this case; but it was generally considered—and the assessment of the tenant's interest for the property tax in England was founded upon the supposition—that the beneficial interest of the tenant was equal to half the letting value. Schedule B in the income and property tax imposed upon the tenant in respect of his profits as occupier, one-half the tax imposed upon the owner in re-

spect of rent. Now, if this principle were true and applicable to the 8*l.* rating, it would follow that a person rated at 8*l.*, would have a beneficial interest of only 4*l.* a year, instead of 10*l.*, which the Reform Act required. But if the rating qualification were made 15*l.*, which he (Mr. Hamilton) meant to propose, the beneficial interest might be supposed to be 7*l.* 10*s.*; but if the valuation for poor-law purposes was 25 per cent under the letting value, as he believed it was, a rating of 15*l.* on the principle of the property-tax assessment, would suppose a beneficial interest of just 10*l.*, being the amount required under the Reform Act. He would again repeat, he had no desire, unnecessarily, to curtail the franchise. If his Amendment were adopted, he would be quite ready to consider by what means other franchises could be conferred, consistently with the principle of the Reform Bill. He wished such franchises to be established as would be considered satisfactory, and at the same time would be applicable to those who were qualified to exercise it for the public good. But he also thought it necessary that caution should be used in legislating on this subject. It was most desirable in the present state of Ireland that all party struggles and dissensions should be discouraged. He was greatly afraid that if a very low franchise were established, there would be a revival of party strife, and of those disgraceful scenes at elections which had formerly prevailed. It had been said, that the diminution in the constituency had arisen from the indisposition on the part of the landlords to give leases. He (Mr. Hamilton) believed that it arose in a still greater degree from the indisposition of the tenants to register. The fact was, the mass of the people were tired and disgusted with political agitation. But if there had been a struggle on the part of the landlords against tenure, he greatly feared that the effect of this Bill would be still more disastrous, for it would convert the struggle against tenure into one against occupancy, and revive in the very worst form the contests between landlord and tenant. Mr. Hamilton concluded by moving that the rating should be 15*l.*

MR. GRATTAN said, that his hon. Friend reminded him of the phrase which had been applied to the Bourbons: *Il n'a rien oublié, ni rien appris*. He believed that his hon. Friend was a very excellent and good-hearted man, but he was very unwise in making the present proposition.



He (Mr. Grattan) differed so much from his hon. Friend the Member for the University of Dublin, that he really came down to the House with the intention of moving an Amendment that the qualification should be fixed at 6*l.* instead of 8*l.* At present the property of Ireland was rated very low, and those of the farmers who were now rated at 6*l.*, were rated at a sum equivalent to 9*l.* in England. He cordially concurred in the desire expressed by the hon. and learned Member for Sheffield, that in this matter the House would deal with the people of Ireland in an honest and straightforward manner. The hon. Member for the University of Dublin, and the other hon. and learned Member who had opposed the present proposition of rating, were both exceedingly complacent gentlemen, and he believed very excellent men. He had heard the words *Ingenui vultus puer* applied to both of them. But there was another passage in one of Dean Swift's works—*Polite Conversation*—in which Miss Deborah, speaking of a certain gentleman, said—

“ He looks as if butter wouldn't melt in his mouth,

But I warrant you cheese won't choke him.”

With respect to those hon. Members to whom he had alluded, he fully believed that although butter wouldn't melt in their mouths, yet neither the finest nor the rankest cheese would choke either of them.

MR. REYNOLDS claimed permission to offer a few observations. He could not avoid expressing his surprise at the Amendment proposed by his hon. Friend the Member for the University of Dublin, because he believed that the 8*l.* franchise would have suited his side of the House extremely well. In the few observations which he (Mr. Reynolds) should address to the House, he hoped to be able to prove that the 8*l.* qualification would considerably check popular power in Ireland. Before he referred to that particular part of the subject, he begged to be permitted to express his surprise at the speech delivered by the hon. and learned Member for Abingdon. Without intending to mislead or deceive that House or the public, he (Mr. Reynolds) certainly thought the effect of the hon. and learned Member's observations would be to produce misconception. He told the House that the object of the present Bill was to sweep away the existing franchise; and he (Mr. Reynolds) presumed the hon. and learned Member meant to say in Ireland. Now, though he (Mr. Reynolds) had not had the advantage of

being learned, in a professional sense, yet he hoped to prove himself more learned as regarded Parliamentary qualification in Ireland than the hon. and learned Member for Abingdon. Therefore he presumed to give that hon. and learned Gentleman a little information on the subject, which, he hoped, would prove to his entire satisfaction that he had been in error. What were the Parliamentary qualifications in Ireland? They were five in number, namely, 50*l.* or 20*l.* freeholders, 20*l.* rent-chargers, 10*l.* leaseholders with a 10*l.* beneficial interest, 10*l.* leaseholders in boroughs annually valued, and freemen, who required no property qualification at all. Now, the present Bill left the freemen untouched: they were preserved, much to his regret; the 50*l.* and 20*l.* freeholders were also left untouched. The rent-chargers were also left untouched; and who were the parties touched? Why, the 10*l.* leaseholders who possessed a beneficial qualification in counties, and 10*l.* householders in cities. Now, he wished to ask the hon. and learned Gentleman if he conceived himself right in asserting that the present Bill was intended to sweep away all existing qualifications? He (Mr. Reynolds) trusted he had removed from the mind of the hon. and learned Member and the House the lumber that encumbered it, and which proved likely to impede the consideration of the Bill. The hon. and learned Gentleman had informed the House that he was the advocate of an extended franchise; and his hon. Friend the Member for the University of Dublin more than re-echoed the sentiment, declaring that he was also the advocate of an extended franchise; and his fellow-countrymen would not debit him for an inclination contrary; and he (Mr. Reynolds) would therefore proceed to test both hon. Gentlemen. The hon. Member for the University of Dublin asserted that an 8*l.* qualification amounted almost to universal suffrage, and a 15*l.* qualification seemed in his eyes to be all perfection. Now the hon. Member for Montrose, who, he regretted to see, was not in his place, told them the other evening that an 8*l.* qualification, as regarded Ireland, was equal to a 30*l.* qualification in England; and therefore if his calculations were right, a 15*l.* qualification in Ireland would be equal to a 58*l.* 10*s.* qualification in England. Now, he wished to know, was the House prepared to insult the people of Ireland, by enacting that no man in that country should possess a right to vote who

was not rated at 15*l.* equal to 60*l.* in England? He felt certain the House would never sanction such a proposition. Already in the present week one night had been frittered away in useless contention. Between the hours of 5 and 12, that House had no less than eight divisions, without, however, realising the truth of the old proverb, that a "house divided must fall." The present was the second night, and already they had got as far as the 12th line in the first clause of the Bill. Now, his object in addressing the House was to place before English Members—of whom he had ever heard a good character from his own countrymen, and he trusted their acts would not induce him to entertain a different opinion—the condition of the franchise in Ireland. He belonged for many years to the movement or reform party in Ireland. Now, he had often been told by some members of that party not to ask too much from English Members, or to sink the legislative independence of Ireland, and they would be induced to grant a great deal. Now, without having made a contract or promise to sink anything, he was there as an Irish representative to test the truth of promises. What he respectfully demanded from that House in the name of his countrymen was a liberal, free, and honest Parliamentary Reform Bill for Ireland. He might be told they did not require it; but he would prove they did. He intended submitting some figures to the House, and after reading them he would ask hon. Members, were they prepared to maintain such a state of things in Ireland? He had heard that Ireland at the passing of the Union, as also at the passing of the Reform Bill, was not fairly treated in point of representation or franchise. Now, when he made these observations he did not wish to be understood as claiming more for the people of Ireland than they were entitled to, or more than was possessed by the people of England or Scotland. He did not want for Ireland a larger number of Members than she was entitled to both by revenue and population. However, as that question was not before the House, he would not dwell longer upon it. He would, as he had said, trouble the House by reading a few papers compiled from returns made to that House, and then ask the Committee if it was fair or reasonable that Gentlemen on the opposite side should support the Amendment of the hon. Member for the University of Dublin. The paper was an abstract, showing the population of

the several counties in Ireland, and number of electors appearing on the Parliamentary roll in 1849, by which it appeared that the total population of the 32 counties in Ireland amounted to 7,435,822, and the number of voters to 33,842. The population of the boroughs amounted to 739,302, and the number of electors on the roll in 1847 was 38,168; and the number which would be entitled to vote on the proposed 8*l.* rating, would be 48,441. But the case did not, however, stop there, for of the 38,168 persons who were on the roll in 1847, at least one half of that number were not available at the time of the general election. The numbers on the roll, and the numbers who voted at the elections in nine contested Irish counties at the last general election, were as follows :

Counties.	No. on the Roll.	No. of Persons voting.
Clare ... ..	2,199	1,250
Kildare ... ..	1,275	800
Kilkenny ... ..	1,090	500
Leitrim ... ..	1,434	600
Limerick ... ..	1,673	1,000
Longford ... ..	1,089	800
Mayo ... ..	1,391	600
Meath ... ..	1,611	900
Roscommon ...	1,038	350

Showing a total of 12,800 on the roll, of which only 6,800 voted. In sixteen contested boroughs—viz., Athlone, Belfast, Clonmel, Carlow, Cork, Coleraine, Drogheda, Dublin, Dundalk, Dungannon, Kinsale, Limerick, New Ross, Waterford, Youghal, the number of persons on the roll were 37,374, of whom 14,306 only voted. Comparing the gross population, the number of electors, and the Members returned by English, Welsh, and Scotch boroughs, with the same in Ireland, the following was the result :—

	Population.	No. of Electors.	Members.
England and Wales..	6,105,228	365,209	335
Scotch ... ..	964,958	42,318	23
	7,070,286	417,587	358

Now, he wished to know why the hon. Member for the University of Dublin did not contend boldly for the right of Ireland to possess as large a franchise and as many Members as England? The other night he heard the Nestor of the reform party, the hon. Member for Montrose, lament that out of a population of sixteen millions they had only a million of voters.

Why, Ireland, with eight millions—half the population of England and Wales—had only 30,000 voters; and whilst England and Wales returned 500 Members, the people of Ireland returned only 105. He had been asked by several why he troubled himself about the Franchise Bill, as Englishmen would grant nothing; and why he would not absent himself, as other Irish Members did? Unfortunately, it was too true that Irish Members did absent themselves; but he denied the assertion that it was useless to expect anything from Englishmen. He believed that many of his countrymen who begged and prayed constituencies to return them, conceived that once they were elected their duty was completed, and they were at liberty to remain away. However, though he would not act so invidiously as to mention names, he believed their constituencies examined the division lists, and would have a word to say to them on that point. The ladies, too, might address some of those Gentlemen in these terms:—"Sure, when the election was coming on, it was yourself that came coaxing our husbands, and kissing the childer, and paying ourselves fine compliments, to make us send you to the House; and now, when you may go there without trouble, you will not enter it." He had heard many of the Gentlemen assign as a reason for absence that "they had no confidence in that House, and that they could do no good by attending." Now, his reply to those Gentlemen was, "why not resign your seats to those who will attend?" He (Mr. Reynolds) had confidence in that House; and he believed the battle of Ireland, with some exceptions out of doors, was to be fought on the floor of that House; and, therefore, he conceived it to be the duty of every Irish Member to attend there. He complained of the Motion of his hon. Friend the Member for the University of Dublin, whose party at the passing of the Emancipation Act, insisted on the sacrifice of the 40s. freeholders as a condition of emancipation. Accordingly they were abolished, and a 10*l.* county qualification substituted; which, however, did not give better men to the representation. The same proceeding was resorted to at the passing of the Reform Bill, but with no better result. It was all very well for the hon. and learned Member for the University of Dublin to talk of a substantial property qualification. If he were an advocate for such, why sanction the existence

of the freemen, rather than demand their abolition? The following was a list of six English and six Irish boroughs, each returning two Members to Parliament, with population and number of electors in the each:—

ENGLISH.			
Boroughs.	Population.	Electors.	Members.
Andover ... ..	4,997	243	2
Knaresborough ...	5,382	228	2
Thetford ... ..	3,844	214	2
Harwich ... ..	3,730	268	2
Marlborough ...	4,130	255	2
Richmond ... ..	4,300	265	2
	26,383	1,473	12
IRISH.			
Cork ... ..	80,720	3,244	2
Dublin ... ..	232,726	15,049	2
Galway ... ..	32,511	1,822	2
Limerick ... ..	48,391	1,246	2
Waterford ... ..	23,216	1,273	2
Belfast ... ..	75,308	4,701	2
	492,872	27,335	12

That list showed that the aggregate population of six Irish Parliamentary boroughs sending twelve Members was 492,872, the total number of electors being only 27,335, while the aggregate population of the six English boroughs sending the same number of Members to Parliament was 26,389, and the number of electors was 1,473. The Committee had now to decide whether the franchise should be 8*l.* or 15*l.* He should record his vote against the 15*l.* franchise, but he begged to give notice that if that Motion were carried, he should move an Amendment to leave out the words 15*l.*, and say the minimum rating should be 4*l.*

Mr. STAFFORD expressed a doubt whether it was competent to the hon. Gentleman who had just sat down to divide the Committee in the manner which he had proposed. As he understood the question now before the Committee, it was not whether the qualification should be a 15*l.* occupation, but whether it should be an occupation of 8*l.*

LORD J. RUSSELL said, that he would offer only a few observations on the subject of the hon. Gentleman's proposal before the Committee divided. He did not think that the hon. Gentleman had really laid himself open to the statement made by the hon. Member for the city of Dublin, that he wished to retain the present

system of the franchise in Ireland; on the contrary, the hon. Gentleman was willing to consider the question, and that he did not confine himself to the question of tenure. The case really resolved itself into a question of the number of electors there should be in Ireland. He should submit to the Committee that the 8*l.* annual rating would not create an excessive number of electors. Taking the 8*l.* a year in counties as well as boroughs, he thought the whole number must be under 300,000; and if that number was compared with the number of electors in England and Wales, they were about one in five of the population of England and Wales, and would be found to be in the proportion of one in six and a half or seven in Ireland. In arguing this question, the hon. Gentleman stated that the 8*l.* a year represented the beneficial interest of half that amount, of 4*l.* a year. If that 4*l.* a year was compared with the franchise in England, it would be found to be equal only to 2*l.* a year, and therefore the hon. Gentleman himself stated that it would be a beneficial interest of 4*l.* a year. There certainly was the difference of tenure. He submitted, however, that the proposal being that there should be rather a less number in proportion in Ireland than in England and Wales, and the amount of property being very fairly represented, there was no reason for saying that it was too low a franchise. But, then, there certainly came the question, on which very little argument had been addressed to the House, why the franchise should be given to persons who were merely occupiers, and why that occupation should not be joined with the tenure, as was the case in England, and which had always been considered as the proper franchise of this country. In order to arrive at a just conclusion on this question, he thought it would be quite sufficient to look back at the course of proceeding in Ireland with respect to the franchise based upon tenure. In the year 1793 the forty-shilling freehold, as enjoyed by the people of England, was granted to the people of Ireland. The consequence was that there were in some counties thousands of manufactured votes in the hands of persons of no property whatever who were driven to the poll by the agents of the landlords, in order to meet the thousand votes of some other landlord. In fact it formed the greatest caricature and most savage abuse of the representative system that could well be imagined. He remembered hear-

ing a story which was some illustration of the statement. A gentleman who was passing by a number of wretched hovels in the shape of a village in Ireland, said to the gentleman who was driving him, "How can you permit any person to inhabit these wretched hovels, and of what possible use can the people be to you?" "Oh," answered the gentleman, "all the use in the world, for they enabled me to make my brother a dean." Such was the sort of system which prevailed under the forty-shilling freeholds in Ireland. In 1829 the right hon. Gentleman the Member for Tamworth, when he proposed the Roman Catholic Relief Bill, made a statement which met with the approval of the House and which was passed into a law, disfranchising the forty-shilling freeholds, and giving a new franchise of 10*l.* freeholds. That Bill was afterwards amended and altered by the Act introduced by Lord Stanley. But that Act was far from getting rid of the system of perjury, of fictitious creation of votes, of giving life interests to persons of 70 or 75 years of age, in order to give them votes at the next election. Lord Stanley then proposed another mode of amendment, and his noble Friend Lord Howick proposed again a different measure. At that time there were several Members of the House, among whom was the hon. Baronet the Member for Cavan, who stated that it would be impossible ever to get rid of the system of perjury and creating fictitious votes until the right of voting was made dependent on occupation and rating, and not upon tenure. When Lord Besborough went over to Ireland, he was directed to inquire into and report his opinion upon the subject. In his report that Nobleman stated—

"So long as you keep up a right of voting by tenure, you will have these scenes of frequent occurrence, and it would be quite impossible to counteract the evil. The franchise should rather be founded on rating and occupation, and they would thus make the register a little more than a copy of the rate book."

That plan was adopted on the recommendation of Lord Besborough, the details of which he would not enter into then. The question before the Committee was whether the franchise should be reduced to a lower amount than it was fixed by that Act; and upon that point he must say that he did not think the House would give satisfaction to Ireland unless they gave the Irish people the same proportion of votes as they had given to the people of Eng-



land. He did not think that the amount proposed was too low, nor that it would give an excessive number of voters to Ireland.

Mr. GOULBURN said, as it was the disposition of the Committee to go to a division, he would detain them but for a few moments, whilst he merely stated the reasons why he could not acquiesce in the Government proposal. He felt as strongly as the noble Lord could feel the importance of making a considerable addition to the Irish franchise; but he felt there were other and graver considerations connected with this question than a mere augmentation of numbers. First of all, they had to consider how to create a constituency whose position and substance gave them an interest in maintaining the rights of property, and supporting law and order. Secondly, to take care that the constituency had such an amount of means as would make them independent of those who, if they were utterly dependent, would be likely to exercise an unjust influence over them; and, thirdly, to consider what would be the effect upon the social condition of Ireland, of the franchise which they proposed to create. There was still a further consideration which applied rather to English than to Irish Members, and that was, what would be the effect on public opinion in England if the franchise in Ireland was placed upon this basis. He admitted there was considerable distinction between the circumstances of the two countries, but then many either would not think so, or would affect that they did not think so, and would represent the injustice to England of the Irish people being put upon a more liberal and favourable footing, as regarded the franchise, than the English. There was another objection to the 8*l.* franchise, which he thought ought to have considerable force, namely, the weight it would throw into the hands of the inhabitants of small towns which were not boroughs, in which the occupier of an 8*l.* house was necessarily of the lowest class; it was to be hoped the manufacturing and commercial interests of Ireland would improve and prosper—that weight and influence, therefore, would proportionably increase. The franchise in the towns would thus be gradually augmented, whilst that of the agricultural districts would be little, if at all, altered. For no rational country gentleman residing in Ireland, anxious to maintain on a good footing the property with which he was intrust-

ed, would be desirous of increasing the number of 8*l.* occupants, which, even if conducive to political objects, would be, in other respects, only a source of embarrassment. He did not mean to draw any distinction of classes, for he considered the agricultural interest so intimately connected with the commercial and manufacturing, that no injury would be likely to accrue to one from the franchise of the other; but what he feared was, that when a moment of difficulty came, and one particular interest felt itself oppressed, the agriculturists, if depressed, would feel jealous of the superior influence of the towns. He felt rather surprised that so little explanation should have been given by the Government as to the reasons why this particular test of 8*l.* occupation was selected for the Irish franchise. On looking over the Earl of Devon's report, he found that there were cottier tenants who paid a very heavy rent—5*l.* or 6*l.* per acre—for the land they were permitted to occupy. [Mr. M. J. O'CONNELL: They are conacre tenants.] They are persons who pay that rate for tenements which they occupy. [Mr. M. J. O'CONNELL: They must be market gardeners then.] The occupation of land in Ireland is money. It is the mode in which wages are paid. The man who pays 7*l.* or 8*l.* for a holding must be considered as a man working at the rate of wages of labour that that rent will cover for a year. He must therefore be of a very humble class. When connected with the Government of which his right hon. Friend the Member for Tamworth was at the head, Lord Eliot introduced a Bill in order to remedy the defects of the franchise, and make it more conformable to the English. He proposed, that as regarded occupation, the qualification should be 30*l.*, and 5*l.* the freehold qualification. He admitted that what might be then a moderate rate of qualification, would now be considered a high one. But there was a great difference between the occupation of 30*l.* and that of 8*l.*, and for such a change no reason had been given. In making an alteration of franchise, surely some endeavour should be made to stimulate the industrial exertions of the Irish. If a higher rate than 8*l.* were adopted, the number of voters might be at first somewhat less; but then it would afford motives for exertion, and would give a stimulus to those who did not possess the right to vote to do their utmost to obtain the necessary qualification, and thus gra-

dually the number of really independent votes, and of useful members of society, would be increased. Having regard to the consideration of the social condition of Ireland, and the results which the adoption of this 8*l.* franchise would have upon it, he was not of opinion that it was an advisable course for the House to adopt, and he should give his vote against it.

SIR W. SOMERVILLE said, that no thing could have been more moderate than the tone of the speech of the right hon. Gentleman who had just spoken; and he (Sir W. Somerville) had no doubt that the right hon. Gentleman, in pursuing the course which he had announced he should do, was animated by the best intentions with regard to the interests of Ireland. He (Sir W. Somerville) begged of the House to consider for a moment the position of the case. He apprehended that there was no doubt as to the necessity of something being done. The state of the franchise in Ireland was now such that it behoved the House, if they really wished to establish a proper constituency in that country, to endeavour to remedy the existing state of things. The question was, what that remedy ought to be, and how it ought to be applied. The House would remember that by the Reform Act a 10*l.* franchise was conferred on Ireland; and the general opinion at the time of passing that measure was that under that franchise a very extensive constituency would be created in Ireland. That expectation had entirely failed. Instead of an extensive constituency, the number of voters had been declining ever since, and at the present moment they amounted to very little more than 30,000. The point then was, how were they to create a constituency in Ireland? He believed that it would be useless to attempt it by in any way connecting the franchise with the tenure of land, no matter whether the amount were 5*l.*, 3*l.*, or 2*l.* There was always a great indisposition to grant leases in Ireland, possibly because it conferred the Parliamentary franchise; that indisposition would not be diminished if a franchise of 5*l.* were adopted connected with the tenure of the land. Was the 8*l.* franchise so very high compared with the 10*l.* franchise granted by the Reform Act? He apprehended it was not. Returns laid upon the table of the House in 1843 would show that a 10*l.* or 8*l.*, or even 5*l.* rating would not diminish the number of 10*l.* voters established under the Reform Act; and

it did not appear to him that the proposed Bill would make any excessive increase in the constituency. It was generally admitted that there must be a large increase in the constituency. The proportion of electors at the present moment to the adult male population of Ireland was very little more than three per cent; the number to be created by the Bill then before the House might, he thought, be calculated at about 267,000; that would give a proportion of about 15 per cent to the adult male population. That was not an extravagant proposal; nor an addition which ought to alarm hon. Gentlemen opposite; whilst it was somewhat nearer the proportion of electors in England to the adult male population. The right hon. Gentleman the Member for the University of Cambridge had said a great deal about the preponderating influence given under this Bill to the towns and boroughs which did not, under the present regulation, return Members of Parliament. He (Sir W. Somerville) thought the right hon. Gentleman had taken an extravagant view of the proportion of that class of voters. Returns had been laid on the table of the House which had been moved for by the right hon. Baronet the Member for Cavan, which showed pretty clearly what the numbers enfranchised in those particular districts would be. In Armagh, which was, he believed, very much subdivided, the number of tenants valued at and under 8*l.* was, in 1849, 18,500; the total number rated to the same amount in the different houses in Armagh amounted only to 1,500. He would next take the county of Meath, which was less subdivided. He found there that the number of tenants rated at and over 8*l.* was upwards of 9,000, while in the different towns they amounted only to 387. He therefore thought that the right hon. Gentleman had somewhat overstated the case with regard to the number of voters to be enfranchised in the different towns under the proposed arrangement. Such being the case, he did not think there was anything objectionable in the proposal of Her Majesty's Government. It would create a constituency not over numerous as compared with the constituency of other parts of the empire; and it would establish a franchise more likely to prove beneficial to the interests of Ireland than that proposed by his hon. Friend opposite. If a higher franchise than that proposed by the Government were adopted, he thought the people of Ireland would have a just right

to complain, and that being the case, he hoped the House would not consent to the Motion of the hon. Member for the University of Dublin.

MR. R. M. FOX rose to correct an error into which the right hon. Gentleman the Member for the University of Cambridge had fallen. The land adverted to as occupied by cottier tenants, paying 7*l.* or 8*l.* a year rent, was conacre land, well manured, and highly cultivated. The 10*l.* freeholder was not a bit more intelligent or independent than the voters created by this Bill would prove to be. No one, in fact, could be more miserably dependent than he was. The great body of the non-electors caused a species of wild control over the freeholders, who were driven hither and thither—first by the non-electors, and then by the landlord; and the only remedy was an extension of the franchise. To illustrate the deficient state of the franchise at present, he might mention that in the county of Longford the number of electors in 1846 was 7,000, whereas at that moment it did not exceed 4,000. He thanked the Government for introducing the Bill, and believed that, like the other measures which they had introduced in the present Session, it was highly estimated in Ireland.

MR. STAFFORD said, that the noble Lord at the head of the Government, and the right hon. Secretary for Ireland, in their very moderate speeches, argued that as no one disputed or denied the diminution in the number of the Irish voters, therefore the Committee should sanction this proposition; but neither of them met the objection raised by his hon. Friend the Member for the University of Dublin. No one on that (the Opposition) side of the House, said that the present system of registration and franchise in Ireland was satisfactory; but the question was, whether the plan now proposed was the best that could be substituted for it. The noble Lord said, the number of voters which would be created under this Bill, was not such as would alarm the House. The answer was not as to the number but as to the quality of these new voters. The question was, whether 8*l.* should be inserted in the clause? Neither the noble Lord nor the right hon. Gentleman did, beyond the question of numbers, state why they selected this figure. As he had not heard a satisfactory explanation on this point, he had searched a number of documents laid before the House by the Government, which he thought might furnish him with

some information on the point. He found that the right hon. Secretary for Ireland had brought in a Bill respecting the relations between landlords and tenants in Ireland, in which he separated the tenantry into two classes. The first class was to proceed for redress or justice in one particular way; the other class was to sue *in formá pauperis*. In the distinction which he drew, the limitation was not fixed at 8*l.*, but at 10*l.* Thus, then, by this Bill it was intended that tenants might be allowed to vote for the election of Members of Parliament, but who would, under another measure, sue *in formá pauperis*. The contrast became the more apparent when they looked into the matter. The distinction of principle was unexplained, and the measures appeared to be utterly inconsistent one with the other. The right hon. Secretary for Ireland said the present system of representation in Ireland was a lampoon; and another hon. Member said that the representation was a mockery. The inference he drew from this was, that when the Bill became the law of the land, Irish Members opposite who supported it would not like to sit for places which were equivalent to rotten boroughs, and therefore would ask the Lord Chancellor for the Chiltern Hundreds, and they would behold the sublime spectacle of a dissolution for Ireland. He asked also the hon. Member for Manchester, and those who acted with him, on what principle he could vote for the 8*l.* franchise for Ireland to-night, after the vote he gave last night—

“That every man of full age, and not subject to any mental or legal disability, and who shall have been the resident occupier of a house, or part of a house, as a lodger for twelve months, and should have been duly rated to the poor of that parish, shall be registered as an elector, and be entitled to vote for a representative in Parliament.”

He (Mr. Stafford) and his hon. Friends were going to vote for a 15*l.* franchise, but this was voting for a tangible object; but the hon. Member opposite who last night voted for universal suffrage, or at least its equivalent for England, were to-night going to vote for an 8*l.* franchise for Ireland. There was the difference between 8*l.* and nothing: such was the distinction they drew between English and Irish voters. If they were consistent, they should vote that the blank should not be filled up with the words “eight pounds.” If they did not see their own inconsistency, they might depend upon it that an intelligent public out of doors would do so.

MR. SHEIL : The House is impatient for a division. I shall be rapid and concise. The hon. Gentleman who has just sat down, has in all probability been more engaged in reflecting on what he was going to say, than in listening to the Secretary for Ireland. The hon. Gentleman said, that the Secretary for Ireland had not stated why he had selected a rating of 8*l.* as the groundwork of the franchise. My right hon. Friend did most distinctly state that he considered 8*l.* equivalent to the rate settled by the Reform Bill. I have risen to state a single statistical fact; it strikes me to be of no ordinary importance. There are 469 English Members in this House—there are 105 Irish Members. Of the 469 English Members, 321—the vast majority—are returned by boroughs. Of the 105 Irish Members, the vast majority, 64, are returned by counties. What, is the qualification upon which English Members are returned? 10*l.* value. What is the qualification upon which Irish Members are returned? Not 10*l.* value, but 10*l.* beneficial interest. Is that just? Here is a discrepancy which the 10*l.* rating would tend to correct. Give us a constituency in numbers at least analogous to your own. We have a right to British institutions. Do not imagine that the question which I am going to put is not germane to the matter; do not imagine that it is dictated by a spirit of fanatical antipathy to the Irish Church. I am free from fanatical antipathy of any kind, I hope. On what principle do you maintain the Irish Church? Not because you are insensible of its anomalies—not because you are unaware of its incongruities. You maintain it on the principle that in both countries the same ecclesiastical institutions should exist. Apply to the State the principle which you apply to the Church, and grant us a constitutional, since you insist upon the preservation of ecclesiastical, affinity. One word more—mark the conservative concomitants of this measure. You will then see that no such augmentation of democratic power will accrue from it as is imagined. In the first place, the expense of elections will be doubled, and a barrier will thus be opposed to what you regard as an illegitimate ambition. In the next place, the great mass of the rural occupiers of the soil will be unprotected by leases; the consequences are obvious. In the last place, the voter who now goes

to a county town, and who in a progress of perhaps twenty or thirty miles, is infected by the popular epidemic, will no longer be influenced by excited and exciting thousands, but will vote under the eye of his landlord, the expression of whose exceedingly intelligible physiognomy he will not be at a loss to understand. These are the conservative concomitants of this Bill. It is necessary to countervail them; and, from the checks which have been devised, I expect, as a salutary result, a just equipoise of power.

MR. ROEBUCK wished to know, when the hon. Member for North Northamptonshire charged himself and friends with inconsistency, whether he really knew what the vote was? He (Mr. Roebuck) did not think that the vote which he was going to give to-night was at all inconsistent with the vote which he gave last night. He wished by his vote to-night to enlarge the constituency of the Irish people; he had the same object in view last night with regard to the English people. He went on both occasions as he found others would go with him. He went with the noble Lord at the head of the Government to-night as far as the noble Lord went, but he did not say that he would not go farther; so it was last night with the Motion of his hon. Friend the Member for Montrose. Did the hon. Gentleman really take them for children or men of the world, when he called upon him and his friends to abstain from voting on that occasion? What they wanted to know was the substance of the matter before them. That was how they were best to enlarge the constituency of the Irish people. Her Majesty's Ministers had brought forward a Bill for the purpose, in which they said that an 8*l.* qualification should give a vote. Suppose that he wished to have one of 5*l.*, or one by which every man holding a house should be a voter; then, was there any reason, according to the forms of the House, from voting for the plan of the Government? He had no hopes of being able to carry out his wishes, and therefore he would take the next best step. The hon. Gentleman said that he (Mr. Roebuck) and his friends, to be consistent, should not swell the majority of Her Majesty's Ministers. For what purpose should they oppose them? For the purpose of making a 15*l.* instead of an 8*l.* franchise. He could not help expressing his surprise at the array he saw on the Opposition benches. He heard constantly in that House a large manifestation of



great sympathy for the Irish people. They all knew the feelings of emotion which were expressed at the alleged grievances of the Irish people. He wished they would get rid of one grievance, by allowing the Irish people to manage their own affairs. The object of the present measure was to allow the Irish people, and not the Irish landlords, to send Members to the Commons' House of Parliament. They all knew that the Irish franchise had been cut down from the forty-shilling franchise, and they also knew why this had been done. It was by the Bill of the right hon. Member for Tamworth in 1829. The Irish landlords had manufactured votes for their own purposes, and they constructed them till the party came in and put down the power of the landlords, and, to use the expression of the right hon. Baronet, the sword which they had fabricated with so much care, had been broken short in their hand. The landlords endeavoured to cut short the encumbrance, and a compromise was to be tried. This was accepted, and the people of England and Ireland agreed to it, because they could not get a measure they desired without this great payment. This was a great sacrifice and an inroad on the constitution of the country, if there was such a thing. Hon. Gentlemen who opposed the proposition of the Government said they wanted an independent constituency; but were men paying 15*l.* a year for their holdings more independent than those paying 8*l.*? There was a very good reason why they should take a very different course in Ireland from that which they took in England with respect to the franchise. There was much greater wealth in England than in Ireland. He had never been opposed to the Chandos clause in England, for it helped to swell out the constituency. He was satisfied that 8*l.* a year in Ireland, paid by a tenant, was a far larger sum than 10*l.*, 20*l.*, or 30*l.* paid in England. Therefore, fearing not the charge of inconsistency, he intended to go into the lobby with the noble Lord. He trusted that the conduct of the Irish people would be such as to teach the House that they might safely go farther. He knew that they must go on by degrees, and he should expect, when the noble Lord brought forward that Reform Bill which he shadowed forth last night, and proposed the reduction of the 10*l.* franchise in this country, which he cordially hoped the noble Lord would live to do, that it would be accompanied by an Irish Reform Bill,

and he (Mr. Roebuck) would give him his cordial support if he should be present.

LORD C. HAMILTON said, that the hon. and learned Gentleman had expressed his surprise at the great array of hon. Members which he saw on the Opposition side of the House on that occasion, and the great manifestation of sympathy for the people of Ireland. Now, he (Lord C. Hamilton) would mention one remarkable fact—from which the House would be able to judge what party sympathised most with the people of Ireland—that among the numerous subjects, social, commercial and political, upon which the people of Ireland had of late years sent petitions to that House, there was one upon which they had been wholly silent, and that was the increase in the number of electors. They had had petitions praying for railway grants, for the promotion of Irish fisheries, for the repeal of the Union, and a variety of other topics, but none had been presented on this subject. Certainly there had been petitions presented in allusion to the state of the representation, but what were they? They asked for more Members, but not for more electors. The Government, however, by their present measure proposed to increase the number of electors in such disproportion to the number of Members that he could not see how any hon. Gentleman from Ireland could stop short from demanding an increase of the number of Members. If they increased the number of electors to 260,000, it was impossible that they could do justice to Ireland without adding a proportionate number of Members. He believed that, under the proposition of his hon. Friend the Member for the University of Dublin, a number of voters would be given more analogous to what was intended at the time of the Reform Bill, than under the plan of the Government. He could not help feeling, if they lowered the franchise and made it too easy of attainment, they would degrade it to such an extent in the eyes of the people, that more respectable persons would not avail themselves of it.

MR. TORRENS M'CULLAGH: Hon. Gentlemen opposite are either very ill-agreed among themselves or they have, it must be admitted, rather an odd way of evincing their desire to serve the people of Ireland. The noble Lord who has just sat down would rather give additional Members than augment the constituencies, although we have been told by the hon. Gentleman who sits immediately below

him, that the majority of Irish Members have proved, by their support of this Bill, that we are the fictitious representatives of a rotten constituency. The noble Lord has repeated a question to which he seems to think it strange that no answer has been offered—namely, why it is, if the people at large really wish for an extended franchise, that no petitions have been of late presented to this House demanding it? I will venture to give the noble Lord an answer to this question. In two successive Sessions the people of Ireland saw this Bill introduced by the Government, and its principle assented to almost without discussion by the party opposite. They reasonably inferred that you were in earnest in your professed acquiescence in that which they wished to obtain. They may have been in error. It now appears, indeed, they were mistaken in that supposition. But is that error of inference as to your sentiments and intentions to be converted now into a taunt, or to be made a pretence for denying them any longer the rights to which they are entitled? The noble Lord the Member for Tyrone, and those who sit around him, are quite content with the existing constituency. No doubt they are, and they deprecate, I have no doubt sincerely, any essential change in the system which has sent them here. But what will the House think of the value of their testimony on the point, when it is told that the entire number of electors for the whole province of Ulster is actually less than that of several counties, and divisions of counties, in England? Ulster consists of nine counties; it contains 3,407,530 arable acres; the valuation amounts to 2,533,281*l.*; and the population exceeds 2,386,000. Yet the county electors of Ulster are under 9,000, while South Devon, East Somerset, West Kent, and both the divisions of Lincolnshire, possess respectively larger constituencies. This is the system which hon. Gentlemen opposite think good enough for that Protestant part of the kingdom which they are peculiarly bound to represent. On a former stage of this Bill, we were told by the hon. Baronet the Member for Radnorshire (Sir J. Walsh), that to enfranchise so large a class as the present measure contemplates, would “drown the voice of the Protestant minority in Ireland.” But do hon. Gentlemen imagine that they will induce the House or the public to believe that they are the true and faithful exponents of the feelings entertained by the

bulk of that Protestant minority, in whose name they affect to speak against this Bill? Let them clothe the Protestant farmers of Ulster with the elective franchise, and then we shall see what will come of an appeal to the people on a dissolution of Parliament. My firm conviction is, that if a fair and full opportunity were thus afforded of testing the opinions of the Protestant middle classes in Ireland, it would soon be seen how little identity, confidence, or sympathy exists between them and those who pursue the course adopted by the noble Lord and his friends in their efforts to obstruct the progress of this tardy measure of reparation and justice. It has been asked why an 8*l.* rating has been chosen as the basis of the qualification rather than any other? I cannot undertake to say what the reasons of Her Majesty's Government may have been for adopting that amount of value; but I know what its effect will be, if the clause remains unaltered. It will create in the now virtually disfranchised counties of Ireland constituencies approaching very nearly in extent to those which exist in England. The total number of county electors under an 8*l.* rated franchise, may, I think, be estimated at about 200,000. The gross number of tenements in counties is much larger. But in making any reasonable computation, it is necessary to strike off, in the first place, 20 per cent for double holdings by the same individuals, and tenements in the possession of females, minors, and persons otherwise incapacitated; and, secondly, we must strike off 25 per cent on account of valuations which, according to the evidence of Mr. Griffith before the Poor Law Committee of last Session, ought to be generally reduced by that amount. Well, if this be so, then the 8*l.* franchise would give to the Irish counties on an average somewhat more than 6,000 electors. Now, the average number of electors in counties and divisions of counties in England, is stated to be 6,786. The right hon. Gentleman who sits for the University of Cambridge asked what difference would it make if we adopted a 15*l.* instead of an 8*l.* qualification? Simply this, that instead of 200,000 county electors, we should only have 109,000, and that the average would consequently be less than one-half that of English counties, instead of being nearly similar. I regard this measure as a Bill for the specific performance of the promise made in 1832, that the two countries should have the benefit

of the same liberties and privileges. I will cite but one witness as to the explicit nature of that promise; but he is one whom of all men hon. Members opposite will not be disposed to repudiate. On the second reading of the Irish Reform Bill these words were used:—

“If it was just that the principles of the (Reform) Bill should be applied to England, it was no less just that they should be applied to Ireland. If the Reform Bill only conferred on the people of England that which was their right, why should the same right be denied to Ireland? Could such rights be long withheld without danger? If they were withheld, would not that be a fair reason wherefore the people of Ireland should demand a repeal of the Union?”

By whom were these expressions uttered? By Lord Stanley. I am willing to believe that at the time he used them, that noble Lord was perfectly sincere. But is it any reason, because the means which he induced Parliament to adopt, professedly with the view of securing that object, have proved ineffectual, that we should hesitate to seek for other means for the better attainment of that end? I will enter into no nice or technical distinctions as to what were or were not the essential principles of the English Reform Bill. I take my stand on this plain and incontestable fact, that the avowed intention of the authors of that measure, and the notorious aim of those who helped to carry it, was that the people of England should have substantially the power of choosing their representatives in Parliament. In many respects that power may be, and I think it is still, imperfectly enjoyed by the English people. But that it exists, and that it is highly valued by them, nobody denies. I ask you, then, is it politic, is it wise, is it just, to refuse its concession to the Irish people. We demand no new or unprecedented share for our people in the management of their own affairs. Before 1829 the county constituencies of Ireland were in number 216,000. An 8*l.* rating qualification would, as I have already stated, hardly give us what we had then. Will any one contend that the mass of the population, or any class of them, are not fitter now to be entrusted with the franchise, than they were then? Twenty years ago there was not in Ireland a public school to which the children of the humbler classes could resort for elementary education. At the present moment there are schools supported by grants from this House, wherein 500,000 persons receive primary instruc-

tion. Do you believe in what you annually do, when you vote large sums for this purpose? Or if you believe that popular education is a positive and potent source of national improvement, can you, with any semblance of consistency, deny that the Irish people are better qualified than they were in former days for the trust we seek to repose in them? But there is another consideration. For twenty years the people of Ireland have been by law entitled to claim the privileges and rights of religious freedom. The upper classes of the Catholics have been admitted to office and to Parliament, and the middle classes of the same persuasion have been made partakers of many of the benefits of the constitution. But part of the price which was exacted for those boons was the disfranchisement of the humbler class of the Catholic people. I ask, is twenty years of penalty and interdiction not enough? And if you believe that religious liberty be a blessing, can you doubt that a community which has partaken of it for twenty years is not better fitted for the exercise of political privileges than they were before they were suffered to partake of its enjoyment?

VISCOUNT CASTLEREAGH said, that he considered the amount of 8*l.* as proposed by the Bill was too low, while that fixed upon in the Amendment was too high. He should have preferred 10*l.*; but as this was to be a new constitution for Ireland it was best to be on the liberal side. He confessed, for his own part, that he had great doubts as to trying this experiment of a different franchise in Ireland. He was quite sure the noble Lord would be obliged to apply this or something like it to England. By this measure the House appealed to justice to restore peace and tranquillity; but at all events, as they had not the power to carry out all that they wished, let them show an affectionate spirit to this people, and he had no doubt that if the House did their duty to them, they would receive the support of the people.

SIR W. VERNER said, that all he desired to obtain was equal justice for all. Referring to the state of the constituencies in Ireland at the time of the 40*s.* freeholds, he observed that it was notorious that the unfortunate Roman Catholics were driven to the poll like sheep by the priests, with double-thonged whips in their hands. His property lay in three counties—Armagh, Monaghan, and Tyrone, and

he had been most anxious to make freeholders in all of them; but the respectable Roman Catholics would not accept the offer, because they knew they would be obliged to exercise their privilege under the influence of the priests. He protested against this measure being pressed on with such haste, before the people of Ireland could become acquainted with its provisions. The Government was forcing the Bill through the House at the time the assizes were held, and thus preventing the Irish Members from going over and availing themselves of that opportunity of consulting their friends and constituents—an opportunity, also, at which the feelings and opinions of the people could have been expressed. He could not help expressing his disgust at the treatment which he and his friends had experienced.

LORD J. MANNERS congratulated the House upon having discussed with so much temper the propositions of the Bill. The hon. Member for Dundalk had fixed a charge upon the hon. Member for North Northamptonshire of having described the present liberal Members for Ireland as the sham representatives of rotten constituencies. The fact stated by his hon. Friend would not bear such an interpretation. The right hon. Gentleman the Master of the Mint, in the same way, appealed with glowing eloquence to English Gentlemen to give to Ireland a constituency equivalent to their own. That was what he hoped would induce a majority to vote for the Amendment. The hon. and learned Member for Sheffield, in a tone of sympathy for the sufferings of Ireland, accused his (the Opposition) side of the House with illiberality. For his (Lord J. Manners') part, the charge of illiberality sat lightly upon him, coming from a Gentleman who, not long ago, when English radicalism could not coin words bitter and exasperating enough to describe Irish character, refused to Ireland assistance in her hour of need. He would ask did those passages and those transactions leave no impression upon the memory of Irish Members? This Irish question was debated under favourable circumstances, in consequence of the House having heard the speech of the noble Lord at the head of the Government on the preceding night during the discussion of the general question of increasing the franchise, and the philosophical spirit in which the noble Lord recommended the House to proceed. It would not be travelling out of the record to test the Bill

now before the House by the principles laid down by the noble Lord; and he (Lord J. Manners) hoped he should be able to convince the House that the great majority which followed the leadership of the noble Lord on that occasion, should, in consistency, give their votes now to the opponents of the present measure. If he had understood the noble Lord rightly, he had laid down this as a general principle, that a reform in the constituency ought to be in the shape of a supplement to the Reform Bill, and not tending to its reversal; and it could be easily shown that the Amendment of the hon. Member for the University of Dublin was in accordance with the speech of the noble Lord. By the Irish Reform Bill it was proposed to create a constituency approaching to 150,000 voters, and he found that in 1837 the actual constituency amounted to 122,000; but the proposal of the noble Lord, which the House had been told was simply to carry out the spirit of the Reform Bill, would immediately create a constituency greater than was intended to be given by that measure. He (Lord J. Manners) could not blind himself to the invincible power of the argument which had been urged in this debate, that when the proper time came, hon. Gentlemen who voted with the noble Lord would have a claim upon him with regard to England and Scotland, which he could not in consistency refuse. He wished, then, through a majority for the Amendment of his hon. Friend, to spare the noble Lord and his colleagues the charge which must otherwise be justly cast upon them; for whilst the noble Lord proposed this franchise, and declined to go with the hon. Gentleman the Member for Montrose, he was reposing greater confidence in the peasantry of Ireland than in the peasantry and mechanics of England. Genuine and unaffected as was his (Lord J. Manners') admiration of the many and singular virtues of the people of Ireland, he could not in conscience say they were more peculiarly fitted for the exercise of the suffrage than the people of England. He could not honestly say that he thought the peasant of Lincolnshire or the artisan of Birmingham was less worthy of the franchise than the joint owner of a small property in the Bog of Allen. To restore this benefit to the constituency of Ireland to the level upon which the Reform Bill had based it, was a noble, wise, and just act, and he should heartily join with the



noble Lord in endeavouring to procure it; but to depart from that principle and create an entirely new constituency, was taking a step which, in the language of an eloquent journalist in Dublin, might perhaps be the only course left open for an enfeebled Ministry, but it was not a course calculated to win the confidence of impartial men, or to confer lasting benefit upon Ireland. Still less was it calculated to insure, in the minds of the people of England, that respect and regard for the representatives of Ireland, which, in his opinion, it was of imperial moment to maintain real and intact.

Question put, "That the blank be filled with 'eight pounds.'"

The Committee divided:—Ayes 213; Noes 144: Majority 96.

### *List of the AYES.*

Abdy, Sir T. N.	Duke, Sir J.
Adair, R. A. S.	Duncan, G.
Aglionby, H. A.	Dundas, Adm.
Alcock, T.	Dundas, rt. hon. Sir D.
Anson, hon. Col.	Dunne, Col.
Armstrong, Sir A.	Ebrington, Visct.
Armstrong, R. B.	Ellice, rt. hon. E.
Arundel and Surrey,	Ellice, E.
Earl of	Ellis, J.
Baines, rt. hon. M. T.	Elliot, hon. J. E.
Barnard, E. G.	Enfield, Visct.
Bass, M. T.	Evans, Sir De L.
Bellew, R. M.	Evans, J.
Berkeley, Adm.	Evans, W.
Berkeley, hon. H. F.	Ewart, W.
Birch, Sir T. B.	Fagan, W.
Bouverie, hon. E. P.	Fagan, J.
Boyle, hon. Col.	Fergus, J.
Bright, J.	FitzPatrick, rt. hn. J. W.
Brocklehurst, J.	Foley, J. H. H.
Brockman, E. D.	Fordyce, A. D.
Brotherton, J.	Forster, M.
Brown-Westhead, J. P.	Fox, R. M.
Brown, W.	Fox, W. J.
Bunbury, E. H.	Glyn, G. C.
Busfeild, W.	Grace, O. D. J.
Buxton, Sir E. N.	Graham, rt. hon. Sir J.
Carter, J. B.	Grattan, H.
Castlereagh, Visct.	Greene, J.
Caulfeild, J. M.	Grenfell, C. P.
Cavendish, hon. C. C.	Grey, rt. hon. Sir G.
Cayley, E. S.	Grey, R. W.
Charteris, hon. F.	Grosvenor, Lord R.
Clay, J.	Hall, Sir B.
Clements, hon. C. S.	Hallyburton, Lord J. F.
Clifford, H. M.	Hanmer, Sir J.
Cobden, R.	Harcourt, G. G.
Coke, hon. E. K.	Harcastle, J. A.
Colebrooke, Sir T. E.	Hastie, A.
Collins, W.	Hastie, A.
Cowan, C.	Hatchell, J.
Cowper, hon. W. F.	Hawes, B.
Currie, R.	Hayter, rt. hon. W. G.
Dawson, hon. T. V.	Headlam, T. E.
Devereux, J. T.	Heathcoat, J.
D'Eyncourt, rt. hn. C. T.	Henry, A.
Douglas, Sir C. E.	Hervey, Lord A.
Douro, Marquess of	Heywood, J.
Duff, G. S.	Heyworth, L.

Hobhouse, rt. hon. Sir J.	Pinney, W.
Hobhouse, T. B.	Power, Dr.
Hodges, T. L.	Power, N.
Holland, R.	Price, Sir R.
Howard, Lord E.	Pusey, P.
Howard, hon. C. W. G.	Reynolds, J.
Howard, hon. E. G. G.	Ricardo, O.
Howard, Sir R.	Rich, H.
Hume, J.	Roebuck, J.
Jackson, W.	Romilly, Sir J.
Jervis, Sir J.	Rumbold, C. E.
Keating, R.	Russell, Lord J.
Keppel, hon. G. T.	Rutherford, A.
Kershaw, J.	Sadleir, J.
Kildare, Marq. of	Salwey, Col.
King, hon. P. J. L.	Scholefield, W.
Labouchere, rt. hon. H.	Scrope, G. P.
Langston, J. H.	Scully, F.
Lascelles, hon. W. S.	Shafto, R. D.
Lemon, Sir C.	Sheil, rt. hon. R. L.
Lennard, T. B.	Shelburne, Earl of
Lewis, G. C.	Simeon, J.
Littleton, hon. E. R.	Slaney, R. A.
Locke, J.	Smith, J. A.
M'Cullagh, W. T.	Smith, J. B.
M'Gregor, J.	Somerville, rt. hn. Sir W.
Meagher, T.	Spearman, H. J.
Mahon, The O'Gorman	Stansfield, W. R. C.
Martin, J.	Stanton, W. H.
Martin, C. W.	Staunton, Sir G. T.
Martin, S.	Stuart, Lord D.
Matheson, Col.	Stuart, Lord J.
Maule, rt. hon. F.	Sullivan, M.
Melgund, Visct.	Talbot, J. H.
Mitchell, T. A.	Tancred, H. W.
Moffatt, G.	Tenison, E. K.
Monsell, W.	Tennent, R. J.
Moore, G. H.	Thicknesse, R. A.
Morris, D.	Thompson, Col.
Mostyn, hon. F. M. L.	Thornely, T.
Mowatt, F.	Tollemache, hon. F. J.
Mulgrave, Earl of	Towneley, J.
Norreys, Sir D. J.	Townley, R. G.
O'Brien, Sir T.	Townshend, Capt.
O'Connell, M.	Vane, Lord H.
O'Connell, M. J.	Villiers, hon. C.
O'Flaherty, A.	Wakley, T.
Ogle, S. C. H.	Walmsley, Sir J.
Ord, W.	Watkins, Col. L.
Paget, Lord C.	Wawn, J. T.
Paget, Lord G.	Willcox, B. M.
Palmerston, Visct.	Wilson, J.
Parker, J.	Wilson, M.
Pechell, Sir G. B.	Wood, W. P.
Peel, F.	Wrightson, W. B.
Pelham, hon. D. A.	Wyvill, M.
Perfect, R.	
Peto, S. M.	
Pigott, F.	
Pilkington, J.	

### TELLERS.

Tufnell, H.  
Hill, Lord M.

### *List of the NOES.*

Adderley, C. B.	Barrington, Visct.
Arbuthnott, hon. H.	Bateson, T.
Archdall, Capt. M.	Bennet, P.
Arkwright, G.	Bentinck, Lord H.
Bagge, W.	Beresford, W.
Bailey, J.	Best, J.
Bailey, J. jun.	Blair, S.
Baillie, H. J.	Boldero, H. G.
Bankes, G.	Bowles, Adm.
Baring, hon. F.	Bremridge, R.

Brisco, M.	Lindsay, hon. Col.
Broadley, H.	Lockhart, W.
Broadwood, H.	Long, W.
Brooke, Lord	Lopes, Sir R.
Buller, Sir J. Y.	Lowther, hon. Col.
Bunbury, W. M.	Lowther, H.
Burghley, Lord	Lygon, hon. Gen.
Carew, W. H. P.	Macnaghten, Sir E.
Chatterton, Col.	Mahon, Visct.
Chichester, Lord J. L.	Mandeville, Visct.
Christopher, R. A.	Manners, Lord G.
Christy, S.	Manners, Lord J.
Cocks, T. S.	March, Earl of
Codrington, Sir W.	Maxwell, hon. J. P.
Cole, hon. H. A.	Meux, Sir H.
Coles, H. B.	Miles, P. W. S.
Conolly, T.	Miles, W.
Corry, rt. hon. H. L.	Moody, C. A.
Cotton, hon. W. H. S.	Morgan, O.
Dod, J. W.	Mullings, J. R.
Dodd, G.	Mundy, W.
Duckworth, Sir J. T. B.	Naas, Lord
Duncombe, hon. A.	Neeld, J.
Duncombe, hon. O.	Newdegate, C. N.
Du Pre, C. G.	Newport, Visct.
Ferguson, Col.	Ossulston, Lord
Forbes, W.	Packe, C. W.
Forester, hon. G. C. W.	Plowden, W. H. C.
Fox, S. W. L.	Prime, R.
Fuller, A. E.	Repton, G. W. J.
Gaskell, J. M.	Sandars, G.
Gladstone, rt. hn. W. E.	Sandars, J.
Gooch, E. S.	Scott, hon. F.
Gordon, Adm.	Seymer, H. K.
Gore, W. O.	Sibthorp, Col.
Goulburn, rt. hon. H.	Smollett, A.
Greenall, G.	Somerset, Capt.
Grogan, E.	Spooner, R.
Guernsey, Lord	Stafford, A.
Gwyn, H.	Stanford, J. F.
Hale, R. B.	Stanley, E.
Hall, Col.	Stuart, H.
Hamilton, J. H.	Stuart, J.
Hamilton, Lord C.	Sturt, H. G.
Harris, hon. Capt.	Taylor, T. E.
Heald, J.	Thesiger, Sir F.
Heneage, G. H. W.	Thompson, Ald.
Henley, J. W.	Turner, G. J.
Herbert, H. A.	Tyrell, Sir J. T.
Herries, rt. hon. J. C.	Verner, Sir W.
Hildyard, R. C.	Vesey, hon. T.
Hildyard, T. B. T.	Vyse, R. H. R. II.
Hill, Lord E.	Waddington, D.
Hood, Sir A.	Waddington, H. S.
Hornby, J.	Walpole, S. H.
Inglis, Sir R. H.	Walsh, Sir J. B.
Jolliffe, Sir W. G. H.	Wegg-Prosser, F. R.
Jones, Capt.	West, F. R.
Knight, F. W.	Willoughby, Sir H.
Knox, Col.	Worcester, Marq. of
Law, hon. C. E.	
Lennox, Lord A. G.	
Lennox, Lord H. G.	
Leslie, C. P.	

MR. WALPOLE called attention to the fact that the clause required the payment of all rates in respect to county voters which were payable on the 1st of January, whilst, in respect to cities and towns, the 6th clause required the payment of those payable on the 5th January. He thought the

same day should be fixed for both, otherwise there would be some confusion and difficulty.

SIR W. SOMERVILLE promised to consider the point, when they came to the 6th clause.

MR. REYNOLDS pointed out the injustice of compelling voters, before being entitled to be placed on the register, to pay up all arrears of taxes. In the distressed and insolvent unions, this provision would operate as a virtual disfranchisement; and he suggested that all persons should be entitled to be upon the register who had paid the last rate.

The ATTORNEY GENERAL referred to the English system, in justifying the requirement of the payment of all rates due.

MR. HUME said, the land was subjected to extraordinary circumstances at the present time; and instead of requiring the payment of all arrears, the clause ought only to require the payment of rates made after the passing of the Act.

After a few words from Mr. GROGAN, the words "1st of January" were retained.

LORD C. HAMILTON then moved, pursuant to notice, the addition of the following words at the end of the clause:—

"And provided also he shall have made a claim to the high constable of the barony in which he shall have been so rated, in the form numbered in Schedule A, No. 3 (a)."

In making this proposition, he did not wish to gain any political advantage; he intended the effect of his Amendment to be general and impartial. To ensure the purity of a constituency, it was necessary to abstract them as much as possible from illegal influences. Those who were aware of the circumstances of Ireland for many years past, knew that voters were exposed to the most tyrannical interference with the exercise of their franchise. He wished to prevent a man from being placed, without his own consent, in the painful dilemma of incurring the hostility of one party or the other, and made the mere political tool of a landlord, agent, or priest. To give him the right of saying whether or no he would exercise the franchise, was the object he had in view. In this country, the county voters had the right of saying whether they would appear on the county register; it was a similar right which he wished to secure for those of Ireland. There existed, it was well known, throughout Ireland, a very great disinclination to exercise the franchise which was already within their reach. He believed, if there

were any real inclination, the existing number of voters might be multiplied by three—indeed he had not the slightest doubt, by four. This arose from the reluctance of individuals to place themselves in a situation of embarrassment and difficulty, from which, when on the register, they had no means of escape. This was an unfortunate picture to draw of any country; but inasmuch as it did exist, and no one could deny its justice, he thought the House should deal with it as a fact. It would be the more manly and straightforward course to say that they believed in the existence of these influences, allowing no legal chicanery to stand in the way, but leaving the man himself to give free expression to his own wishes. This could be done without in any way curtailing the liberties of the people; his object was to give more liberty and freedom of action. It might be said that he was placing an impediment in the way of the exercise of a privilege; that was not his object, but to allow the individual uninfluenced to exert his own judgment whether he would exercise the privilege or not. At present you called upon the man to use his vote, whether he thought it a boon or not. Nothing made it a right less precious than the simple fact of its being almost obligatory, and exercised without any voluntary exertion on his part. This provision worked well, he believed, and the public spirit of that division of the empire would not allow it to exist if it had the effect of making any appreciable diminution in the constituencies. On these grounds he hoped the House would assent to his proposition.

SIR G. GREY opposed the Amendment, as destroying the value of the qualification, the principal virtue of which was its self-acting capability. The independence of the voter would be sacrificed instead of being secured under the Amendment.

Amendment negatived.

MR. REYNOLDS moved the addition to the clause of the following proviso:—

“ Provided also that no person otherwise qualified shall be held to be disqualified by reason of any arrears of rates up to the 5th of July, 1810.”

The ATTORNEY GENERAL said, that he did not think the Chancellor of the Exchequer could agree to such a proviso, for, if adopted, it would operate as a receipt in full for the arrears in question.

MR. BRIGHT asked whether the hon. and learned Gentleman the Attorney General meant to say that there was no law

in Ireland for the collection of rates, except this Franchise Bill? The object of the present measure was, not to collect rates, but to define the franchise. And if, under a peculiarity of circumstances, there were several unions in the west of Ireland, where, in many of the occupations of future constituents, arrears of rates were owing, which the most industrious, intelligent, and virtuous might not be able to clear off before two or three years to come, it would be monstrous if these men were to be disqualified until these arrears had been paid up. If the crops were sold, and the increase of pauperism had added to the amount of the poor-rates, that was no reason why men such as he had described should be cut off from the exercise of those political rights which that House was willing to grant to the great body of their countrymen. He thought the proviso proposed by the hon. Member for Dublin might be allowed to pass, inasmuch as it would do no harm to the Bill, and no injury to the poor-law authorities. The poor-law authorities would go on collecting the rates as before. If the noble Lord at the head of the Government could give a feasible reason why this proviso should not be added, he would not divide the Committee, but he did not think any such reason could be given.

MR. AGLIONBY hoped Government would allow the proviso to be put in. The Attorney General had made a statement which was calculated to mislead the House. He said, if they inserted the proviso, it would be a receipt in full for the payment of the rates.

LORD J. RUSSELL said, the House had decided already that the rates should be paid to a certain day, as a qualification for voting. Then the question was, as to whether or not there should be an exception made. He did not think when they were laying down a general rule, that they should state there should be exceptions. For that reason he could not agree to this Amendment.

The ATTORNEY GENERAL said, he had been charged with wishing to mislead the House. He did no such thing. According to the Amendment, the voter would not be entitled, unless he had paid the last rate up to the 5th of January, 1850. Now, the collector would not take the last rate, unless he got the preceding ones.

MR. REYNOLDS said, that the collector might be directed by this Bill to take the last rate. His proviso was a source of

merriment to the other side, but he believed that it would relieve many who wore broad cloth, as they were greater defaulters to the poor-rate, in proportion, than were those who wore frieze.

MR. HUME said, he thought it was unfair not to grant this Amendment; but seeing that Government had made up their minds, he advised his hon. Friend not to divide the House.

MR. REYNOLDS then withdrew the proviso. Clause agreed to.

On Clause 2,

MR. HAMILTON said, there were many objections to it, and he proposed that it should be postponed.

LORD J. RUSSELL consented to postpone this clause, and said he should be glad to hear the opinions of Gentlemen connected with Ireland upon it, and more especially those who had supported the Bill.

Committee report progress; to sit again on Monday next.

The House adjourned at a quarter before One o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, March 4, 1850.*

MINUTES.] *Took the Oaths.*—Lieutenant General Lord Gough, G.C.B., having been created Viscount Gough, was (in the usual manner) introduced.

1<sup>a</sup> Railway Audit.

3<sup>a</sup> Ecclesiastical Commission.

### RAILWAY AUDIT BILL.

EARL GRANVILLE said, that it would be in the recollection of their Lordships that in reply to a question which had been put to him by a noble Lord at the commencement of the Session, as to the intentions of Ministers with respect to the introduction of a Railway Audit Bill, he had stated that Her Majesty's Government was waiting to know what course would be adopted by the great body of railway directors, or of other persons representing the great aggregate of railway proprietors, in proposing a measure of that description. As it did not appear likely that the railway directors would introduce the measure which, in the course of last Session, they declared their intention to introduce, and as it did not appear likely that any large number of railway proprietors would combine to bring in any Bill of that kind during the present Session, it did not appear right to the Government to delay any longer the task of informing the public of the

course which Her Majesty's Ministers proposed to pursue. He now proposed the first reading of a Bill to provide for the Audit of the Accounts of Railway Companies. It was usual for their Lordships to assent to such Motion as a matter of course. It would be very inconvenient if he were at that moment to enter into any statement or argument to show either that the mode of railway audit formerly proposed was not a good one, or that the mode now proposed by the Government was the best. He should therefore confine himself to the explanation of the principal provisions of his Bill. The object of it was to secure, with the smallest amount of interference, an independent and continuous audit of railway accounts. Instead of the present system, by which each company selected its own auditor, it was proposed to establish a permanent central board, which should make a continuous audit of all the railway accounts in the kingdom. The machinery to work the board would be as follows:—Each railway company should, at the first special general meeting of its proprietors, after the 1st of January, 1851, elect one delegate. These delegates, after due notice given, should proceed to elect their chairman. Their votes should be in proportion to the capital paid up by the respective companies which they represented. The company which had not paid up 2,000,000*l.* of capital should have one vote; the company which had paid up above 2,000,000*l.*, and not less than 5,000,000*l.* of its capital, should have two votes; the company which had paid up above 5,000,000*l.*, and not less than 10,000,000*l.* of its capital, should have three votes; and the company which had paid up above 10,000,000*l.* should have four votes. These delegates would, as he had before said, proceed to nominate their chairman, and also two other members of the Board for Auditing Railway Accounts. When elected, the members of the board would be irremovable, except by a vote of two-thirds of the delegates, sanctioned by the Board of Railway Commissioners. It was proposed that this Board of Audit should be obliged once in every half-year to make a report to each company on these points—whether their financial transactions were regularly organised; whether their accounts of receipt and expenditure were rightly set forth; whether the heads of capital and of dividend were distinctly set apart; whether the dividends declared were or were not injurious to the railway



Companies; and whether the law charges were correctly taxed or not. It was also proposed that they should place their reports before Parliament at the beginning of each year. Powers would also be given to this Audit Board by his Bill to make a continuous auditing of the different railway accounts, and to call upon all the railway officers to give them every assistance in the execution of their duties. Powers would also be given them to inspect all books, papers, documents, and vouchers to enable them to form a perfect balance-sheet of the receipts and expenditure of each and every company. It was proposed that the expenses of the Audit Board should be repaid in this manner: 10,000*l.* was, in the first instance, to be subscribed among the various railway companies, and would be paid into an account opened for it in the Bank of England. It was proposed that the expenditure of the board should be audited in the same way as the expenditure of the country. The members of the Audit Board would have to prepare an account of their expenditure for each half-year, to be audited by the Auditors of Public Accounts. It would be open to the different railway companies to object to that account through the medium of a majority of the delegates; and the appeal was to be to the Board of Railway Commissioners, whose decision on all points would be final. These were the principal features in the Bill to which he wished to call the attention of their Lordships. He had not entered into any argument on the various provisions which he had announced to their Lordships, because he did not want to do anything which might promote discussion prematurely on the merits or demerits of his measure. He concluded by moving that it be read a first time.

LORD MONTEAGLE said, that he was much gratified to find that his noble Friend and his Colleagues had at length undertaken the task of solving this difficult problem. It had been stated that he was in favour of a Government audit. He was only desirous that an entirely independent audit should be established.

Bill read 1<sup>a</sup>.

#### THE COMMITTEE OF COUNCIL ON EDUCATION.

LORD STANLEY, in presenting a petition from the promoters of the erection of a school of the National Society at Rockfield in Monmouthshire, intimated to the Bishop of Chichester that, in his opin-

ion, it would not be for the general benefit that a full discussion should take place that evening on the question of the management of the grants of public money for the purposes of education by the Committee of the Privy Council. In the parish from which the petition came which he then held in his hand there was at present no school for the education of the children of the poor labourers. The promoters of a project for erecting a school in that parish were all members of the Church of England; so, too, was the donor of the site for the school. They had furnished a title for the school, which the legal advisers of the Committee of the Privy Council for Education had declared to be unobjectionable, and had prayed the Committee to make them a grant for a school on the basis of the National Society. They had complied with all the preliminary conditions required before a grant could be made; and the only distinction which he could see between the case of these petitioners and the case of other petitioners to the Committee of Privy Council was, that they, being all members of the Church of England, were desirous that in all cases where any difference might arise among themselves, that difference should be left to the bishop of the diocese as arbitrator. He thought that no reasonable objection could be made to this proposal; and yet upon that proposal they had been told that they could receive no assistance from the Privy Council.

The MARQUESS of LANSDOWNE observed, that with regard to the proceedings of the Committee of Privy Council on Education, he would follow the judgment of the noble Baron opposite, and would abstain from entering into details at present. He would simply state that, in his opinion, the objections taken by these petitioners against the ordinary course of proceeding, did not entitle them to partake of the public grant. The noble Lord had said that he was of opinion that it would not be convenient now to enter into a full discussion on the education question. He (the Marquess of Lansdowne) was not desirous of entering into that full discussion that evening, if no one else was; but notice had been given in the usual way, by a right rev. Prelate, of his intention to make some general remarks on the subject in presenting a petition; and he should feel it to be highly inconvenient to the public service to allow vague statements to be made on one side, without entering, on the other,

into a full exposition of all the erroneous opinions and facts which had recently been propounded to the public. Into that exposition he was then prepared, if necessary, to enter, in order to refute the misrepresentations and falsehoods which had been so sedulously propagated to the injury of the Committee.

The BISHOP of LONDON was induced to address their Lordships in consequence of the concluding observations of the noble Marquess. He hoped that he might be instrumental in preventing that full discussion on the merits of the conduct of the Committee of the Privy Council which the noble Baron had just deprecated. Their Lordships would remember that when, in the year 1839, the constitution of this Committee was under discussion in that House, an address to Her Majesty on the subject was moved by his venerated Friend the late Archbishop of Canterbury. He had at that time expressed his opinion strongly in favour of the Address; but though their point was not then gained practically—for the Government of the day had disappointed their expectations—he had ever since exerted himself to the utmost of his ability to promote a good understanding between the Committee of Privy Council and the National Society for the Education of the Poor. The noble Marquess was no doubt aware of his desire to put an end to the dissatisfaction and discontent which then existed. He would not say how far he complained of the partiality of the Committee of Privy Council in the distribution of these grants. Certainly he did not go the length of the petitioners; but he had always understood that the process by which the Committee distributed the public bounty in aid of education was, to a great extent, merely experimental—it was then a new process. He thought that the time had now come in which, after the experiment had been so long in progress, we might fairly hope that a calm and dispassionate inquiry might be instituted into its results. He admitted that many misrepresentations were abroad on that subject; but he hoped that by inquiry we might at last come to the truth in an undoubted form, by hearing the evidence of persons on both sides of the question; and he believed that no tribunal was better calculated to elicit the truth on this question than a Select Committee of their Lordships' House. Such a Committee ought, in his opinion, to be appointed forthwith

by their Lordships; for, considering that it would have great national objects in view, inasmuch as the political interests of the State were inseparably bound up with its religious interests; and that a strong opinion prevailed among the great body of the clergy as to the mode in which this grant was disposed of, it imposed on their Lordships the responsibility of granting inquiry; and, therefore, he trusted that the noble Marquess would hold out some hope of the appointment of a Select Committee, as such a measure would greatly tend to quiet the apprehensions now existing in the public mind. Such an inquiry was rendered the more necessary by recent proceedings which had taken place elsewhere, and which must be known to their Lordships. Looking at the proposition which had recently been made in the House of Commons—comprehending, as it did, all secular education in its grasp, and proposing means for carrying it out, to which he would not at that moment further refer—he must say that it imposed on their Lordships the duty of instituting an inquiry without delay into the whole subject, so that, if that Bill, in any modified shape, should find its way into their Lordships' House, they might be prepared with information which would enable them to judge of its probable results. It was impossible to overstate the extent of the feeling upon the subject of education which existed not only among the clergy of the Established Church, but also among the laity connected with it. He held in his possession a number of petitions regarding it, one of which was signed by ninety-two members of the Stock Exchange, and which requested a Committee of Inquiry. Before he sat down he must say one word on the subject of female education, which he considered to be of first-rate importance. There was a great and, he believed, a well-founded apprehension, that with regard to female education, the system of inspection had not been so judiciously carried out as to answer what he believed to be the intentions of the Government. This subject in particular deserved inquiry. The right rev. Prelate concluded by declaring that he had endeavoured to carry out the views of the Privy Council of Education, so far as he had been able conscientiously to do so.

The ARCHBISHOP of CANTERBURY observed, that the measure which had just been proposed by his right rev. brother the Bishop of London did not require any

additional support from him. It had not, perhaps, been suggested to the noble Marquess before, but he trusted that the noble Marquess would take it into consideration. The state of popular education in England at present was quite anomalous. There were two parties, both equally anxious to promote education. It could only be successfully promoted by their co-operation; and yet there was danger, lest they should impede rather than assist each other, and so defeat their own purpose. These two parties were the clergy of the Church and the Committee of Privy Council. No one could doubt the anxiety of each party to promote the good work. No man could doubt the anxiety of the clergy, who knew, as he did, the pains and efforts, the personal sacrifices, and he might even say the personal embarrassments, to which they subjected themselves in this cause. On the other hand, no man could doubt the earnestness of the Government, and especially of the noble Marquess who was at the head of the Privy Council. The labour which the noble Marquess had undergone in devising plans to carry his objects into execution were above all praise; and at a moment when the national finances were not at all flourishing, but in some embarrassment, the only grant which was neither grudged nor retrenched was the liberal grant for the purpose of education, in which men of every political creed cordially concurred. No one, then, could doubt the sincerity of both parties. And these two parties, thus engaged in the same cause, and desiring the same end, could only promote their common object, as he had before said, by co-operation. The Church could never, from its own funds, provide accommodation for its daily-increasing population. Even those institutions which were in existence at present could not have been raised without the liberal aid of Parliament. On the other hand, the State could not carry out its objects without the assistance of the Church; for, let men do what they would, the success of the parochial school must depend on the assistance and supervision of the parochial clergy. It was by their activity, energy, and influence, that parents were stirred up to send their children to school; and the education of the school was either efficient or worthless according to the degree of care bestowed on it by the clergy. We do not undervalue the assistance of the laity; we court it, and desire it; but it is not regular, it is not certain, it cannot

be commanded; whereas the clergyman was always on the spot, and the number of the scholars, and the usefulness of the school, alike depended on the attention of the clergyman. It would be just ground of regret if, between these two parties, animated by the same desire, and necessary to one another, there should be any jealousy or suspicion, hindering that co-operation which is needful to their success. There had been much jealousy on both sides, and not, perhaps, without some grounds. Claims had been set up on the one side which had no foundation either in the civil or in the ecclesiastical constitution of the land; and, on the other, concessions had been refused which would have given confidence to the clergy, and which seemed to be refused through an apprehension of adding weight and influence to the Church. Any measure, therefore, like that of his right rev. Friend, which might tend to bring these parties to a better understanding, was well worthy the attention of the noble Marquess, as likely to promote the success of a cause in which he was so earnestly engaged.

LORD BROUGHAM said, it was well known he had always taken the deepest interest in the cause of education. It was now thirty-five years since he commenced his labours in that cause, and his only sorrow was, that they had not been so successful as he could have wished. It was impossible to over-estimate the high importance of education to all the religious, moral, and (to borrow a phrase from a neighbouring country) material interests of the country—to the interests of our worldly prosperity, and to those of our immortal happiness. He had laboured long in this cause; but he had been doomed to perpetual disappointment in the prosecution of his plans. The first Bill—a measure which he considered the most innocent and moderate step that could be taken in the cause of education—which he introduced in 1820, had been thrown out—not by the Church, for the members of the Church had been the supporters of his Bill as often as it was urged upon Parliament—but by the Dissenters, who took up an unfounded alarm; and, because there was a veto given to the pastor of the parish on the appointment of the schoolmaster, declared that religious liberty would be at an end in case that veto should have the sanction of the Legislature. He had then, as a Member of their Lordships' House, brought in two or three other Bills for the promotion of education,

but all with the same success. He had then addressed a letter on the whole subject of education to his respected and beloved Friend the late Duke of Bedford; and as in that letter he stated all the difficulties of the question, and made some just and liberal admissions in favour of the Church, the author of that letter, as well as the party to whom it was addressed, became the objects of the most unmeasured abuse by the organs of the Government of that day. What had been the result? Nothing could be more zealous or honest than the disposition of the Dissenters in favour of the education of the people—nothing could be more zealous or honest than the disposition of the Church. But there was in all human feelings a degree of perverseness. We do not anything absolutely, but all things relatively; and all this zeal of the Dissenters was overcome by a little wish to get a victory over the Church; and all this conscientious zeal of the Church for education was exceeded a little by another feeling, which was a wish to gain a victory over the Dissenters; so that between these conflicting sects education had fallen to the ground, or if not to the ground was near the earth, instead of winging its way through mid-air and mounting aloft to its kindred skies. The question, then, was, “How are these difficulties to be overcome, and how is popular education to be given to the country?” It could not be said, “Why don’t you do as is done in Scotland? and for this reason, that though in Scotland there were Dissenters, there was no difference between them and the Church as to doctrine—the difference was as to discipline. In England the difference was as to doctrine; but, unfortunately, the difference as to discipline was doing in Scotland the very same work which the difference as to doctrine was doing in England. The controversy regarding patronage, which had cleft in twain the venerable structure of the Church of Scotland, was now stunting and dwarfing in Scotland the efforts of the wise for educational purposes. He agreed with the right rev. Prelate opposite, that their Lordships ought to be setting their House in order for the Education Bill which had been introduced elsewhere, and that they should be procuring information, in order to judge the better on what had been done, on what had been left undone, and on what yet remained to be done. Such a subject ought not to be left in the hands of any private individual, however respectable—

such a subject, surely, was not unworthy that attention of the Imperial Legislature. He was inclined to think that their Lordships ought to assent to the previous inquiry, suggested by the right rev. Prelate. His difficulty, however, arose from the boundless length to which such an inquiry was likely to be protracted, from the quantity of time which it would occupy, and from a doubt whether it would not give rise to the introduction of much controversial matter, which would mar, and not advance, the common object of all parties. If the right rev. Prelate, on further consideration, should make a deliberate proposal for a Select Committee, he should feel inclined to support him, for we could not stop now where we were. We had either gone too far, or not far enough—we had either done too much, or too little. He ought to apologise for having detained their Lordships so long on this subject; but when they reflected how much of his life had been expended in attempts to gain education for the people, and when they were informed that the average expenditure for schools in this country was about four times less ample than it was in Switzerland, and about half as ample as it was in Scotland, and when they found that there were such scanty funds for the education of the children of the poor in our large towns, where education was most wanted, he hoped that they would agree with him in thinking that no time could be considered as wasted which was spent in the discussion of this important question.

The BISHOP of CHICHESTER said, that he had been entrusted with the presentation of numerous petitions on this important subject, and he felt that, considering the number of persons who had assented to these petitions, and the influential character of those who had signed them, he should not have performed his duty had he presented them in the ordinary form, with the mere proposal that they be laid upon the table. He had therefore given notice that he had such petitions, and that he would present them on the present day. He did not thereby pledge himself to do more than represent to their Lordships that the petitions were important, on an important subject, and well deserving of the attention of their Lordships. When the Lord President of the Council inquired of him in private whether the presentation of his petitions would lead to any discussion, his answer had been, he was afraid, too general, and had not con-



veyed to the noble Marquess his intention of not entering into any discussion on the management clauses, or on the proceedings of the Committee of Privy Council. His intention was to represent to their Lordships on the part of the petitioners that they had something to complain of, and that they were at the bar entreating that their complaints—whether they were right or wrong he would not determine—should be taken into consideration. As this question was before the House, having originated in the presentation of a petition upon the subject by a noble Lord, in respect of which the question, that it do lie upon the table, was not yet disposed of, he trusted he was not altogether informal, and, if he were not, he did not think it unbecoming in him to take the opportunity for stating that he also had a petition to present to the House, and for accompanying it with a few observations, in the hope of obtaining for it that attention which was its due. The friends of education, as represented by the Educational Committee of the Privy Council, and the clergy of the Established Church, were reduced to a condition in which he could not contemplate any successful issue to their efforts; nay, to a condition in which he could not see anything but the chance of a disastrous conclusion. It would require the intervention of some powerful influence to bring the two parties back to that condition in which the Committee of Privy Council and the National Society could co-operate with benefit to the cause of education and to the welfare of the country generally. Since the last communication was made to the National Society by the Committee of Privy Council, he had become convinced that it would be desirable to find some medium by which the difference between them could be readjusted. He rejoiced to hear from his right rev. Brother that an inquiry into these matters by a Select Committee of their Lordships was a thing not to be despaired of. If such an inquiry could be obtained, it would prove a very beneficial and healing measure. In presenting the petition which he then held in his hand—if, indeed, it were not informal to present it before the petition of the noble Baron was disposed of—in presenting that petition, he should do nothing more than lay it on the table, in the ardent hope that due consideration would be given to the proposition of the Bishop of London for a Select Committee of Inquiry. There was much dissatisfac-

tion in the country upon this subject. There were now lying by his side nearly 700 petitions emanating from different districts and places, and all complaining, to a certain extent, of the management clauses. Surely that mass of petitions must convince their Lordships that there was a deep feeling in the country. A great portion of those petitions coincided in the prayer for inquiry. He trusted that their Lordships would concede it. He did not accord with the petitioners in all their statements; but he thought that they ought to be carefully heard by their Lordships.

[The right rev. Prelate being informed that it would be informal to present at that time the petition to which he referred, presented it at a later period of the evening.]

The BISHOP of ST. DAVID'S said, he did not rise to offer any objection to the suggestion that an inquiry, by a Committee, should be made into all the circumstances raised by the petitioners, and hoped some benefit and advantage might proceed from it. He was sorry to say, however, he could not at all share in the expectations which had been expressed by the right rev. Prelate (the Bishop of London), or lead himself to believe that the inquiry would be followed by any of the consequences the right rev. Prelate anticipated. He had very properly called their Lordships' attention to the unquestionable fact that great excitement and great dissatisfaction existed in the body of the Church of England, among the clergy as well as the laity, with respect to the vital and important subject of education, and had expressed a hope that that excitement and dissatisfaction would be allayed by the labours of a Committee of their Lordships. If he (the Bishop of St. David's) believed that those feelings arose from one source only, he might entertain a similar hope; but it was his belief that they had arisen from two distinct sources, widely different in their nature. The first of these consisted of matters of fact, which fell within a very narrow compass, and had been long before the public in printed documents, so as to render all persons of intelligence competent to form an opinion respecting them. He did not believe the suggested inquiry could throw a great deal of additional light on these facts and documents, or would alter the opinion of any one who had attentively studied them. The second cause of the deep dissatisfaction which was producing the most deplorable

consequences by obstructing the course of popular education, and which had inflicted incalculable damage on the Church and on the country, was of a very different character, and of a much larger measure. He referred to the persons who had mainly produced the excitement to which the right rev. Prelate alluded, and who had not contented themselves with an appeal to facts or to arguments grounded upon them, but had largely indulged in surmises, conjectures, insinuations, and imputations of motives—in prophecies of evil for the future, as in misrepresentations of the past, which were adapted to operate on sensitive and excitable imaginations in proportion as they were vague and indefinite, and which, the more unsubstantial and impalpable they were, became the less capable of being made the subject of such special investigation as might lead to a satisfactory result. He did not at all deprecate inquiry on the ground that the question was a large one, but because he did not consider the time and labour of the Committee would be well employed. After a vast expenditure of both one and the other, the inquiry would lead to no result, unless they were able to discriminate between the excitement founded on facts and that which had been raised on the unsubstantial basis he had described, and they would eventually be forced to go back to those great first principles staked in the question, and consider whether or not they were to be, and how they should be, carried into effect. He hoped those principles never would be abandoned, because he believed they were the only barrier against the danger to which the right rev. Prelate (the Bishop of London) had adverted, and, in case they should be relinquished, he was satisfied no alternative remained but the admission of measures which he, for one, should most earnestly deprecate.

The EARL of HARROWBY considered that Parliament had been experimenting on the subject of education, and that it was time for them to come to some definite result. The Government scheme had never yet been laid before their Lordships in one complete and comprehensive form, and it was full time to see if there were not points which might be settled in some degree, so that the public mind might be quieted as to the uncertainty which existed as to the future course that would be taken respecting the education of the people. He felt the importance of the question to be so

great that he would take an early opportunity of bringing it before their Lordships, that some steps might be taken to set it at rest.

LORD BROUGHAM was apprehensive that his fellow-labourers on the Committee of 1816, 1817, and 1818, in the other House might justly complain of him if he merely enumerated the abortive Bills which had been introduced on the subject of education, and omitted to state that the plan adopted by the Government of Earl Grey in 1833 was founded on the report of the Committee laid before Parliament in 1818.

The MARQUESS of LANSDOWNE said, that the course taken on this occasion did not make it incumbent on him to enter into a full discussion, or to make any statement of the proceedings of Her Majesty's Government. He would, however, observe as to the meeting at which the petition entrusted to the right rev. Prelate (the Bishop of Chichester) had originated, that there was scarcely one single statement made at the meeting, in reference to matters of fact, which he was not able on the most unquestionable evidence—evidence laid on the table of that House—most decisively to controvert, and to prove that persons unacquainted with this subject were induced to sign that petition, by statements which might have been contradicted on the spot. It would be sufficient for him to tell their Lordships that when a clergyman of the Church of England, a manager of one of the Church schools, who was present at that meeting, rose to contradict them, he was told that that was not the fitting opportunity to do so—they wanted no information from him, and he was refused a hearing;—thus showing that those gentlemen who were assembled at that meeting in the spirit of religious liberty, as they said, were disposed to accord that religious liberty to none who ventured to inform the meeting of the facts. He was aware that this was a subject on which the public mind had been much excited, and many various and conflicting views had been formed; but however excited a man's feelings might be, that formed no excuse, in a matter in which the cause of religion and charity was so deeply concerned, for perverting the truth, and for countenancing and disseminating statements which those who put them forward, had they made themselves acquainted with the facts as they might have done, must have known to be wholly and entirely unfounded. He would simply state two or three facts which

were material as proving the nature of the misrepresentations under which this petition had been signed. It was stated that the Church of England, under the administration of the Educational Committee of the Privy Council, had not received its due proportion of the public money voted by Parliament. Now, he would inform their Lordships, without entering into any argument as to the principles on which these grants have been apportioned, that of that considerable fund, so liberally allowed by Parliament, not less than four-fifths of the money had gone to the Church of England—that, in fact, he expected if any complaint were made from any quarter on this subject, it would have come not from the Church, but from the Dissenting body, who might undoubtedly have stated that in proportion to the amount of their population they had not received their due. But with respect to the Church of England, their schools, as shown by the paper he held in his hand, had received at least four-fifths of the whole of the grants made for building schools, and, what was not less important, had had a still greater proportion, as he believed, but at least the same of the grants for maintaining the schools when founded. Yet, notwithstanding these facts, it was asserted, and confidently asserted, at that meeting, that not one shilling of the public money voted by Parliament had gone to any school, the congregation promoting which had not been required to subscribe to what were called the management clauses. Now, that statement was perfectly unfounded. He had in his possession at that moment, and could at once lay it on the table of their Lordships' House, a list of no less than 400 schools, which had received for various purposes connected with education out of the Parliamentary grant, sums for books, for masters, and other items of expenditure amounting altogether to a great many thousand pounds which had been so applied, which were being so applied, and which would continue to be so applied. That was a matter of fact which, under the circumstances, their Lordships would agree with him that he was fully justified in stating. It was also stated on the occasion he alluded to that in some part of the proceedings of the Committee of the Privy Council there had been a determination shown to prevent religion from being connected with the education given in the schools aided by those funds. Yet there were at that mo-

ment—and the fact must have been known to the person who made that statement, but whom he would not name, and who ought undoubtedly to have acquainted his audience with the minutes on which he was commenting—there were at that time in existence a series of regulations (which he had in his possession, and which it would have been his duty to read to their Lordships had they gone into the discussion of this question)—making in the first year, in the second year, the third year, and even down to the fifth year, examination and instruction by a clergyman of the Church of England in the catechism and formularies of the Church of England an indispensable condition. Yet such was the obliquity of mind—such the peculiar construction of the understanding of this gentleman who made that statement—that he could bring himself to assert that there was to be found in those minutes and regulations only a disposition to separate religious from secular education. Now, these were material facts, these were statements which he could not allow to pass uncontradicted, because such was his feeling on this subject, so deeply was he persuaded that it was indispensable to the course of sound education to connect it, and to connect it inseparably, with religious instruction, that if one tithe of what was stated at that meeting were true, it would have been his duty instantly to have discontinued having any share in the administration of these grants, and, far from opposing, to have seconded any Motion that might be proposed for putting a stop to such a system. It seemed to have been the prevailing opinion that the distribution of the grant, and the proceedings of the Government as connected with it, had not led to a successful issue. Certainly it might not have been as successful as some had expected, but he would not admit that their exertions had not led to any successful issue. He could inform their Lordships that at that moment there were scattered throughout the country upwards of 800 schools founded with the assistance of the Parliamentary grant, in close accord with the Committee of Privy Council, and under the superintendence of the zealous clergymen who were their patrons and managers. From them he was daily in the habit of receiving testimony as to the benefits derived from inspection, and from the system adopted with regard to teachers and masters. All of those communications stated that the

schools fully realised the expectations held out, and that being the case, he could not admit that 800 schools, founded on a regular system, were not an improvement, and a very great improvement, on the no system that had previously prevailed. To a certain extent, then, he thought the experiment had been successful; but he earnestly wished for its greater success, and therefore he was more anxious that public attention should be directed to every fact and circumstance connected with the subject. He believed he might say that there had been no indisposition exhibited on the part of the Government to lay upon the table every document and fact that could enable their Lordships to form a right and constitutional judgment. A desire had been expressed that there should be a Committee to inquire into the subject, and an opinion had been stated in favour of that course, to which he bowed with great deference, well knowing the great authority from which it proceeded; but he should be doing great injustice to the most rev. Prelate at the head of the Church, or the right rev. Prelate who sat near him, if he did not state that both had exhibited a constant desire to come to a good understanding with all parties concerned in this difficult question. He should also be doing injustice to his noble and learned Friend on the opposite side of the House (Lord Brougham) if he did not say that that noble and learned Lord had been, for a series of years, unremitting in his exertions in the good cause, and that even under circumstances which gave but slight prospect of an successful result to his labours. But he would remind his noble and learned Friend of the great difficulties he had himself encountered, and would express his hope that his noble and learned Friend would, from experience, be induced to make allowance for the obstacles with which the Committee of Privy Council had to contend. Whether those difficulties could be met by a Committee, was a question which he was not then going to discuss, nor could he decide; but thus far he would say, that he had not heard any Parliamentary ground laid for such a Committee. However, although he could not say that he was prepared, as at present advised, to support such a Motion, he would promise it the most attentive consideration. But he was appalled by the magnitude of the task which their Lordships proposed to undertake—a magnitude arising not only from the importance of

the question of education as it affected the habits and morals of the country, but from the various religious interests which must be considered in discussing that question as a national measure. The right rev. Bench must not think that they could enter into such an investigation as regarded the Church of England, and at the same time exclude other sects and other churches. It might be admitted that every religious denomination in the country should share in any public bounty granted for educational purposes, but it was not so easy to settle the proportions in which that bounty was to be distributed, or the nature of the safeguards you were to have from each. He spoke with a knowledge which even the right rev. Prelates could not have—a knowledge derived from the experience of the last three years—of the difficulty of dealing with sectarian scruples in the allocation of public grants. He could assure their Lordships that they would find the task no easy one, either in deciding on the system they should recommend, or in satisfying those classes of the community whose numbers and importance entitled them to consideration. [A Noble Lord made an observation across the table.] He could assure his noble Friend that he had found difficulty enough in dealing with the question in England, without extending his labours to Ireland. Whatever might be their Lordships' decision, he trusted that they would not insist on suspending the present system pending inquiry, because if they stopped the schools until they had hit upon a system calculated to satisfy all parties, he feared that a very serious injury would be done to great national interests. He merely threw out these suggestions for the purpose of showing that the question required the most cautious consideration, and should only observe, in conclusion, that he quite concurred in the opinion expressed by the noble Earl, that whenever a grant was about to be made for educational purposes by the Committee of Privy Council, the amount of that grant, and the principle upon which it was dispensed, should be submitted to Parliament.

Petition read, and ordered to lie on the table; as were a large number of petitions on the same subject.

PARTY PROCESSIONS (IRELAND)  
BILL.

House in Committee.

The DUKE of WELLINGTON: M



Lords, I was about to state, before you went into Committee, that I object to this Bill. I object to the principle of the Bill distinctly; but I was so unfortunate as to be in a distant part of the country on the day on which the noble Lord moved the second reading, and I had it not in my power to attend in my place then to state my objection. With your Lordships' permission I will state it now. My Lords, my opinion is, that the Bill does not go far enough; that the Bill, as it stands at present will not put an end to the state of disturbance in Ireland which it is the intention of the Government that it should put an end to. From the accounts of the affair at Dolly's Brae, it appears that between the parties engaged in the disturbances which took place at Dolly's Brae, there have been many other occasions of disturbance. Many disturbances have, in fact, taken place, which will not be prevented by the state of the law as it will stand under this Bill. It appears that both those parties are in the habit of burying the dead belonging to the classes composing each of them with great formalities, which it is a common practice for the other party to interrupt, and that those ceremonies give occasion for disturbances as fatal as any of these processions. Now, I confess I never can understand the reason why the Legislature should not at once prevent persons in Ireland from appearing abroad with arms. For what reason is it, that in Ireland the population should be allowed to appear abroad, out of their houses, in arms?—a privilege which I venture to say does not exist for the people of any other portion of the civilised world. Why should any man be allowed to appear with arms, excepting as in this country—as in other countries—for the purpose of his amusement—for sporting? Why should not every man who appears with arms be required to produce his game certificate, or be deprived of his arms, or called upon to account for his having possession of arms under such circumstances? My Lords, what I desire is, that the magistrate, the local magistrate, should have it in his power, by means of the constables whom he has under his direction, to protect these parties in burying the dead from being attacked, during the ceremonies, by others who come out with arms. My Lords, the facility for collecting large numbers of people in Ireland with arms is deserving your attention, and I entreat you to allow a clause to be inserted in this Bill to en-

able the justices to disperse any such meeting, and to deprive those individuals of their arms who appear upon these occasions in funeral processions, or in an attack upon a funeral procession with arms in their hands. I am not prepared with a clause this night, but I give notice that either upon the report or the third reading I will propose a clause—I hope the Government will not object to it—which shall have for its object to prevent any person in Ireland from appearing in arms out of his house.

The MARQUESS of LANSDOWNE admitted, that in the observation which had fallen from the noble and gallant Duke, there was much matter deserving of serious consideration; but he apprehended that there would be considerable difficulty in introducing such a clause into this Bill, which was entitled “a Bill to Restrain Party Processions in Ireland;” and he did not think it would be expedient to convert this into an Arms Bill, though he was very far from saying that it might not be necessary to introduce such a Bill.

LORD MONTEAGLE was convinced that if there was a point upon which all the well-disposed people of Ireland were agreed, it was that of the necessity of dealing with the question of the possession of arms by the Irish peasantry; and the Government were not doing their duty if they were not prepared both to consider that question and to act upon their consideration. He observed, that under the present Bill the arms would not be forfeited unless the people were commanded by a justice to disperse and refuse to depart. If they obeyed the command, they might carry off their arms, the possession of which was one of the badges of illegality for which the command to disperse was to be given. The prospect of forfeiture of their arms would in many cases, more than any other penalty, deter the peasantry from joining in a party procession; and he would put into the hands of the Government an Amendment he had prepared, which would impose that penalty, that the Government might either adopt the Amendment upon consideration, or return it to him, that he might move it.

The LORD CHANCELLOR thought that the noble Lord had excluded the proclamation from his consideration. That document only consisted of a few words—it would only take a few moments to read it—and if the meeting, after it had been read, did not forthwith disperse, it would

be competent for the magistrates to seize the arms of all present.

LORD STANLEY thought it would be very desirable if the object could be attained—he would not say of diminishing the possession of arms, but the prevalence of the custom of persons going about the country armed without any reasonable ground. He saw the force of the objection to the noble Duke's proposition, as not coming within the scope of this Bill; but that objection could not apply to this proposal, to enact the penalty of the forfeiture of the arms in the case of persons appearing in these processions armed, as well as persons refusing to disperse. Where the individuals could be identified, the arms might be seized subsequently.

The EARL of GLENGALL had had it suggested to him, and would mention it for the consideration of the Government, that it was doubtful whether the Bill would touch parties who, wishing to commemorate a party anniversary, met in a field or space near the public road, and there displayed all sorts of party emblems, and had their firearms and their music, provided only they did not "join in procession."

The LORD CHANCELLOR thought the words being "who shall meet and parade together, or join in procession," would include such a case.

Amendments made. Report to be received on Thursday next.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, March 4, 1850.*

MINUTES.] PUBLIC BILLS.—1° Real Property Conveyance.

2° Farmers' Estate Society (Ireland); Registrar of Metropolitan Public Carriages; Turnpike Road and Bridge Trusts (Ireland); Titles of Religious Congregations (Scotland).

### PRUSSIA AND DENMARK.

MR. SANDARS rose to put a question to the noble Lord opposite. He had given notice of his intention to put this question to the Secretary for Foreign Affairs, or in his absence to the noble Lord at the head of the Government; and not observing the Foreign Secretary in his place, he hoped he should receive a reply from the First Lord of the Treasury. He wished to know whether an answer had been received from Her Majesty's Ministers at Frankfort and Berlin, in reply to the proposal of the Danish Government to renew the armistice on certain conditions, if those

conditions had been acceded to? If not, whether this provisional state of peace or war depending on six weeks' notice on either side, was to be suffered to continue, on the part of England, to the serious hindrance and prejudice of the trade and commerce of the united kingdom? Having also seen it stated in the sources of public information, that an armistice had been agreed on between Prussia and Denmark, he wished to know whether the Government had any official information on the subject, and if they had, what were the terms and conditions?

LORD J. RUSSELL (in the absence of Viscount Palmerston) replied, that he did not think any official information had been received of a new armistice. But the negotiations for peace were still going on.

MR. SANDARS declared himself dissatisfied with this answer; and gave notice that unless the noble Lord at the head of Foreign Affairs was in his place on the following day to answer his question, he should move the adjournment of the House for an hour, in order that he might make his appearance.

LORD J. RUSSELL wished to know from the hon. Member whether he intended to put this question in the form in which it stood on the paper?

MR. SANDARS replied in the affirmative.

VISCOUNT PALMERSTON after a short period entered the House.

MR. SANDARS, seeing the noble Lord (Viscount Palmerston) in his place, begged to repeat the question of which he had given notice. It had been stated that an armistice had been agreed upon, and he wished to know whether the noble Lord had any information on the subject, and what was the nature of such armistice?

VISCOUNT PALMERSTON: I am sorry to say that the report to which the hon. Gentleman has alluded is premature, and that the statement is not correct. No armistice—that is, no renewal of the armistice—has as yet been agreed upon between Denmark on the one hand, and Frankfort and Berlin on the other. Her Majesty's Government are in communication with the three parties concerned, with the view of obtaining a fixed prolongation of the armistice, as well as with the view of obtaining a final settlement of the dispute; but as yet nothing definitive has been settled with regard to the armistice. The hon. Gentleman, and the House, under these circumstances, will not expect

me to go into the detail of the difficulties which prevent the renewal of the armistice; but I may state that the armistice continues *de facto*, and will continue, until either one party or the other gives notice of its termination. Neither of the parties has yet given notice, and I do not expect that either party has any wish, at present, to give notice of the termination of the armistice.

Subject dropped.

#### SCARIFF UNION.

MR. P. SCROPE begged to ask the First Lord of the Treasury, whether he had received a letter from the guardians of the Scariff union, stating that during four weeks out of six they had been unable to give the necessary relief to the poor; that the workhouse was overcrowded, many being compelled to remain in a shelterless condition under the walls; that twenty-three persons had been seized with fever in the probationary ward in one night; that there was no milk or bread for the sick in the hospital; that some of the sick were without shirts; that the clothing of others was sadly deficient; that the sheriffs' officers had seized all the goods in the house, for debts owing by the union; and that the guardians were utterly unable to fulfil the duties enjoined on them by law. He also wished to ask the noble Lord on whom he considered the responsibility rested of relieving the poor?

LORD J. RUSSELL replied, that he had received a letter upon this subject, which he had referred to the Poor Law Commissioners in Ireland. He regretted that the returns on the subject were not as complete as it was desirable they should be; they did not enter into all the necessary particulars. It appeared, however, from such information as had reached them, that in the week ending the 16th of February, 1850, the number of persons receiving relief was 2,546, and that the persons receiving outdoor relief were not less in number than 8,000. He could only state that there was great difficulty in collecting the rates of that union; that some statements had reached him which were not consistent with the letter he had referred to; that, up to the 29th of September, the advances to that union amounted to 20,000*l.*; that from the time the rate in aid had been established it had received 13,000*l.*, and, from the 29th of last September to the 26th of January, 2,000*l.* He understood there was now a rate of 4*s.*

in the pound in the course of collection, and the inspector (Mr. O'Brien) stated that he believed an improvement was taking place in the state of the union.

MR. P. SCROPE: Would the noble Lord allow the paper to be printed from which he made this statement?

LORD J. RUSSELL had only an abstract of papers which were now in Ireland. He should have to send for them, but he had no objection to the whole statement being laid upon the table as soon as it could be received.

Subject dropped.

#### GREECE.

MR. HUME was anxious to know the state of the political relations between this country and Greece. Much anxiety was felt on the subject, and hopes were entertained that there was to be a speedy settlement of the existing differences.

VISCOUNT PALMERSTON: The state of affairs is this: It has been thought necessary at last to make a peremptory demand for certain reparation, for which application has long been made by this country without success; and, that demand having been refused, reprisals have been commenced, which consist in keeping in pledge certain property belonging to the adverse parties as security for the payment of these demands. These reprisals have been carried to a certain extent, and by the last return, dated, I think, on the 10th ult., I think that sufficient reprisals had been made to answer all the demands against the Greek Government. Meantime the good offices of the French Government have been offered and accepted, but the negotiator sent by the French Government had not arrived when the last accounts left. I may also state, that notwithstanding what has occurred, the diplomatic relations between this country and Greece have not been suspended. Mr. Wyse, although he has embarked on board a man of war, has continued up to the last moment in diplomatic relations with the Government of Greece; and, as a proof that no courtesy was omitted on our part, I may mention that the other day, on the anniversary of the birthday of either the King or the Queen. I forget which, our fleet saluted with all the honours on the occasion.

#### GOVERNMENT OF WESTERN AUSTRALIA

SIR F. THIESIGER said, that a few days ago the hon. and learned Gentleman the Attorney General, in reply to a ques-

tion as to the government of Western Australia, had contended that, notwithstanding the expiration of the Act of Parliament, power still remained to make laws for the peace, order, and good government of the colony. The hon. and learned Gentleman had then rather humorously added, that taxation was generally admitted to be one of the essentials of good government. He (Sir F. Thesiger) now wished to ask the hon. and learned Gentleman whether that was an opinion formed after careful consideration, or whether it was an off-hand answer to an unexpected question; and also whether his hon. and learned Friend adhered to the opinion he had expressed?

The ATTORNEY GENERAL said, it was not his habit to give opinions by which he was not prepared to abide. What he had said was, that the 10th Geo. IV. gave powers to the King or Queen to constitute a Council, and that Council had the power to make such laws as were necessary for order and good government. He stated his opinion to be that taxation was a part of good government, and that the council, notwithstanding the Act had expired, had still the power to pass laws for the good government of the colony.

SIR F. THESIGER believed that the question asked of his hon. and learned Friend was, whether the existing body had power to make future laws after the expiration of the Act?

The ATTORNEY GENERAL said, that what he had formerly observed was that the Act had expired, but the Council continued in force.

SIR W. MOLESWORTH said, that the question, as put by the hon. and learned Gentleman the Attorney General was not as he had framed it. He had asked whether the council, after the expiration of the Act, had power to make laws, and whether those laws were legal or illegal; and he had especially asked, if they had made laws as to the application of public money, whether an indemnity would be necessary. The hon. and learned Gentleman had then proceeded to answer these questions in an off-hand manner.

The ATTORNEY GENERAL denied that his manner had been off-hand. He had answered the question before, and he would answer it again. In his opinion—and he was prepared to abide by his opinion—it might be wrong, and certainly if he differed with the hon. and learned Member for Abingdon, of course it was wrong—in his opinion, the Act of Parliament having expired, and the Crown having the power

to create a Council, and that power having been exercised, the Council still continued to exist, and would exist, until revoked by the same power of the Crown.

SIR W. MOLESWORTH had asked—had that Council, since the 1st of August last, the power to make any laws? That was his question.

The ATTORNEY GENERAL would answer that question to-morrow, and he hoped satisfactorily.

SIR F. THESIGER said, perhaps the hon. and learned Gentleman would also answer to-morrow whether the Council had the power to tax the colony?

The ATTORNEY GENERAL: Certainly; or any other question that the hon. and learned Gentleman would propose to him.

Subject dropped.

#### PARLIAMENTARY VOTERS (IRELAND) BILL.

The House having gone into Committee on this Bill,

On Clause 2,

SIR R. FERGUSON proposed the omission of Clause 2. If the clause were suffered to remain, it would have a mischievous tendency by encouraging joint occupation.

LORD J. RUSSELL said, he had no wish to pass the clause, but he wished to take the opinion of Irish Members upon it. If he was to take the hon. Baronet as the foreman of the jury, the clause must be expunged.

MR. REYNOLDS said, he was not disposed to take the hon. Baronet as the foreman of the jury; and he thought the noble Lord, instead of taking the opinion of the hon. Baronet, should take the opinion of the representatives of popular constituencies. The hon. Baronet said, this joint occupation would cause the subdivision of land. He (Mr. Reynolds) did not believe that would be the effect; but where a farmer and his sons had land which would give to each a rating of the required value, the clause would give to each of them a vote, in the same manner as by joint occupation each would have a vote in a city or a borough. There was a precisely similar clause in the Irish Parliamentary Reform Bill, governing the franchise in cities and boroughs.

COLONEL DUNNE had supported the second reading of the Bill, but he did not support this clause, and he agreed with the hon. Baronet the Member for Londonderry that this clause was most objectionable.



MR. FITZPATRICK said, he should cordially support the proposition of the hon. Member for Londonderry, agreeing with him that the clause would have a most mischievous tendency; that it would act as an encouragement to a species of tenure alike injurious both to the landlord as well as the tenant. Taking into consideration the peculiar circumstances of Ireland at present, the vast changes taking place there in the distribution of land, all tending to a sound and more satisfactory condition, he thought this House could not be too careful in guarding against any legislation which might give an inducement to revert to that wretched system of mismanagement of property, from the evil effects of which all classes were now suffering severely.

MR. FAGAN said, that this was a kind of Chandos clause, and the only way of preventing intimidation being practised towards the tenants was to extend the franchise. It so happened that in Ireland joint tenancies were very numerous, and he did not see why persons so occupying land should be deprived of their franchise.

MR. GROGAN was very glad the noble Lord was disposed to comply with the Motion of the hon. Baronet the Member for Londonderry. He believed a more mischievous clause could not have been contrived. He could not conceive anything more injurious to Ireland than the subdivision of property.

DR. POWER did not see how the objection to the clause could arise, because if a man had a farm which would give to each of his three sons a vote, he could easily subdivide the farm, and give a vote to each of his three sons. He thought they ought to extend the franchise as much as possible.

MR. GRATTAN had heard no reason whatever for omitting the clause. The truth was, landlords did not like joint tenancies, because that would make them look after their land. It was not for the franchise. If four persons had a joint occupation of land, the hon. Baronet objected to three of them having votes. He said he did not see why they should be entitled to vote. He should ask him, why not? Did these men so conduct themselves towards their tenants that they were afraid to trust them with votes?

MR. R. M. FOX supported the clause, believing there was no more connection *with joint occupancy and subdivision than existed between the acts of joining and dividing.*

MR. CLEMENTS said, they were not discussing the question of joint tenancy, but of joint occupancy, which was a different thing. He hoped the House would not encourage the system of joint occupancy. Everybody connected with Ireland was aware of the evils of such a system, and he maintained that this clause would have a tendency to continue that system.

MR. SADLEIR thought the noble Lord at the head of the Government would have to take upon himself the responsibility of expunging or maintaining this clause. On a subject of this nature it was utterly impossible to obtain unanimity. He admired the intimation given by the noble Lord on Friday evening that he would, to a great extent, be guided by the opinions of those Members of that House who were in favour of the great and leading principles of this Bill. This was one of the leading principles. There were at present at least two millions of acres in Ireland in joint occupancy, or occupied by tenants in common. He entreated the Government to pause before they put out this clause, which he thought it was wise and sound policy to retain. There had never been conferred on the people of Ireland the franchise enjoyed by the people of this country. It was notorious that the franchises given by the Irish Parliamentary Reform Bill were not those which it was the intention of the Government and of the Legislature to give. The decisions of the Judges had much curtailed the right of voting in Ireland, and, even under this Bill, the people of Ireland would have but a stinted constituency. There were franchises irrespective of residence and occupation; and there was the 5*l.* in fee franchise, which was liable to great abuse by the granting of rentcharges. How could they prevent that? By enlarging the franchise in respect of residence and occupation. He did not think that landlords would in future improve their political influence by the sacrifice of their property. Joint tenants had long enjoyed the franchise in England, and they had never heard of its being abused in this country.

MR. ROEBUCK rose to ask for information at the hands of the Government. If he understood it, the objection to the clause on that side of the House was that it would lead to the subdivision of property. He would at once acknowledge that that was an enormous evil. But he wanted to know whether this clause legiti-

mately led to that conclusion, and, if it did, whether they would not be doing an injustice to the people of Ireland by omitting the clause. A large number of persons, say six or eight, might hold property, a factory for example, and it might be worth say 1,000*l.* a year. Were not these six or eight persons joint tenants of that property, and had they not a right to vote? If they took out this clause, those persons could not vote; but one man, and one man only, could vote. But it might be said they would have property so small, that at last they would get the whole country divided into 8*l.* tenancies. But that depended on the landlords. He therefore asked the noble Lord, or those who had charge of the Bill, to explain this to the House.

LORD J. RUSSELL said, it had been considered that persons occupying to the value of 8*l.* a year should have a vote, and where there were two persons holding land together, and their occupation in point of value was 8*l.* each, these two persons would be qualified to vote as the one person who had a separate holding, and therefore they thought that the clause might fairly be put in the Bill. Several Members, however, who were in favour of the Bill, were of opinion that the consequence of dividing holdings would be mischievous in Ireland, and they hoped this clause would not be inserted in the Bill. However, he must say, so far as he had heard, there did not appear to be a general agreement that the clause would produce that effect, and therefore, not having the proof shown to him that the clause would be mischievous, he was prepared to adhere to his original intention.

MR. STAFFORD looked upon the statement of the noble Lord as an indirect announcement that the suggestions of Irish Members would only be favourably received if they came from one (the Ministerial) side of the House. But a word or two as to the effect of this clause. He would take the case of a tenant hostile to the landlord, and also of another tenant favourable to the landlord. Then he would take the case of a landlord anxious, by fair or by foul means, to increase his political influence. Suppose the tenant was hostile to the landlord, and divided his farm into three parts, and, for the purpose of having three votes, paid himself one-third of the poor-rates—when he presented one-third of the poor-rate tickets, and proposed to deduct one third, the landlord would stop him at once and say, “You shall not subdivide

the farm; you are only in possession of one vote, and one only you shall have;” and then he would strike off two voters. He would next take the case of a tenant favourable to the landlord—when the tenant came with one poor-rate receipt, the landlord might say, “You have two sons; I wish to increase my Parliamentary influence, so register your two sons.” Then, in that case, the landlord would have the power to add two votes. On the whole, he considered that the effect of the joint-tenant clause would be to give a very large political power to the landlords throughout Ireland.

The ATTORNEY GENERAL said, the only effect of the clause would be, that a landlord, instead of letting a farm of twenty-four acres, for instance, in three farms, might, if he chose, let it to three occupiers. It was, no doubt, desirable to have large farms; but if they wished to counteract the influence of the landlords, that could not be done by expunging this clause. Suppose a tenant joined his three sons in his occupation, the landlord would get three votes; and he could do so at present by having the farm split up into separate tenancies. Therefore, the mischief pointed out would not be remedied by expunging this clause; it was left open either way.

MR. H. A. HERBERT said, that the hon. and learned Gentleman had only put the case of a landlord who did not care a single farthing for his property, and who would sacrifice his property to the making of votes. But the case put by his hon. Friend the Member for North Northamptonshire was one where the landlord had some regard for his property, but also wished to have political influence. He would ask any hon. Gentleman, whether, on commencing improvements on his property, he would not desire not to have large farms with joint occupancy, but to have every man holding his own land. When he came into possession of his estate, one half of it was held under joint tenancies, and he felt his first step should be to get each tenant to hold separately his own land. The clause would give a dangerous power to the landlords; but it was an instrument which, though it might sometimes work favourably to them, was full of danger, for it would lead to the creation of fictitious voters. Considering how the clause would affect the social condition of Ireland, and believing that it would serve as an inducement to landlords to create

fictitious votes, he had no hesitation in voting against it.

MR. HUME considered that they were not legislating there for the purpose of giving votes to landlords, and he must protest against the argument of the hon. Member for North Northamptonshire, when he supposed that they could not give a vote to a particular individual, but that it would favour the landlord to whom the property belonged. As a matter of justice they ought to give the votes to the persons occupying the land and resident upon it, and then let the electors vote by ballot, and they might set at defiance the influence of the priests at one side, and the landlords at the other. That was the way to meet this objection, and he trusted the Government would persevere in the clause.

MR. SCULLY rejoiced that the Government were resolved to maintain this clause. This was not a question between landlord and tenant, and he thought that view of the subject should have been left out of the case altogether. In his county there were tenants who had occupied for twenty, thirty, and fifty years as joint tenants, and if this clause were not adopted, those parties would be disfranchised. Before he sat down, he wished to refer to what had fallen from the hon. Member for North Northamptonshire with respect to an observation made by the hon. Member for Carlow, and to say, in reply, that that was not a question of a borough at all. It was a national question; and any hon. Member who thought warmly on the subject of the franchise in Ireland was bound to give his opinion honestly and sincerely on the entire franchise of the country. With regard to the opposition to this measure at the other side of the House, he must say, that, although this question of the franchise might have been taken very coolly by hon. Gentlemen opposite in the first instance, it was now factiously opposed by them, as was shown by eight divisions in one night. The hon. Gentleman the Member for North Northamptonshire had said that this clause would give power to the landlords. If so, he (Mr. Scully) was surprised that the hon. Gentleman and those agreeing with him, who were so anxious on all occasions to support that class, should oppose the clause on that ground.

VISCOUNT CASTLEREAGH begged of the House to recollect that they were legislating on this subject with very slight ideas of *what the future constituency of Ireland would be under this Bill*. They had no

means of judging, except from the returns which had been furnished by his right hon. Friend opposite. Taking the county of Down, the nearest guess he could make was, that the 8*l.* rating would give a constituency of 20,000; but if this joint occupancy clause passed, he would be glad to know what might the constituency be—not less than 25,000 or 30,000, and what he complained of was, that they had no means of knowing. It was very well to tell Gentlemen on that side of the House that they were illiberal, but he did not know whether hon. Gentlemen opposite had looked to the amount of the constituency in England. He found, by a return made in March, 1847, that the English constituencies were reduced to an exceedingly small extent. In the three counties of Bedford, Berkshire, and Buckingham, the constituencies were 4,000, 5,000, and 5,000; and even in Devonshire, Yorkshire, and Lancashire, the constituencies were limited. If they increased the constituencies in Ireland 10,000 or 15,000, there would be reason to complain that they were called upon to legislate in this manner without information.

MR. ROEBUCK thought, that if the clause should have any political influence at all, it would be an influence in favour of the landlord. He was willing to meet that by making a large constituency, and he was not to be stopped by the declaration of the noble Lord the Member for Down, that England had small constituencies. He hoped the Government would adhere to the clause.

VISCOUNT CASTLEREAGH: Then, the only way the Government will have to meet the difficulty is by increasing the number of representatives for Ireland.

SIR F. THESIGER took it for granted that the clause was introduced because it was the opinion of the Government that it was desirable, in the system about to be established, such a clause as this, with regard to joint occupants, should be adopted; but the noble Lord at the head of the Government told them he had been disposed to abandon the clause, with the notion that several Irish Members thought it would be desirable that such a clause should not be introduced. He certainly understood that the noble Lord had abandoned the clause. But the noble Lord having received encouragement from certain Gentlemen connected with Ireland at the other side of the House, stooped down to pick up the clause again, and insisted

that it should form part of the Bill he proposed to the House. There was a great mistake with regard to the exact effect of this particular clause, and he thought the difficulty had arisen from the Government having refused the proposition of one of his hon. Friends the Member for Oxfordshire, the other night, that after the word "occupy," "tenant or owner" should be inserted. If those words were inserted in the first clause, the difficulty they were now discussing could not have arisen. This was not the question of a joint tenancy at all. It was admitted by the Government that, under the first clause, any occupation, no matter whether wrongful or rightful, if a party be on the rate, would give him the right to vote; and it was clear they were now considering a clause by which joint occupiers, who could get rated to the amount of 8*l.* each, would be entitled to vote. There might be no great mischief in that, while the parties holding as joint tenants were liable to the rent, and to all the liabilities to which the tenant is exposed, and each held a sufficient amount to give him a vote. There would be no difficulty in giving each person in that joint tenancy a right to vote under the English Reform Act. With regard to the Chandos clause in that Act, under a subsequent Act of Parliament, power was given to two persons, holding to the extent of 100*l.*, to have each a vote under the Chandos clause; but how were they to hold? They were to hold as tenants liable to a rent of 100*l.* But the question here was, whether a mere occupier, no matter how introduced, should have a vote. He might have been introduced against the will of the landlord; the original occupier might have become a wrongful occupier, and hostile to the landlord; wishing to introduce new occupiers and fresh voters on the land. He would have no difficulty in allowing persons to come into joint occupation with him of this land; and if he happened to get rated at a sufficient value, such persons so occupying would be entitled to vote. He seriously asked the noble Lord to look to the very great inconvenience and mischief that would arise from adhering to this clause; for it appeared to him (Sir F. Thesiger) that it would be very difficult to prevent fraud from being practised by different parties who were not entitled to be rated even in respect to value. Let it be understood that this was not a question of joint tenancy at all, but a question of joint occupa-

tion, and a joint occupation as interpreted the other night, namely, an occupier, be he rightful or wrongful.

COLONEL RAWDON said, that even taking this as a question of joint occupancy, would not the effect be to increase the representation of Ireland? There were two millions of acres held under those joint occupancies, and they must diminish the constituent body if they expunged this clause. He had no apprehension that property, circumstanced as it then was in Ireland, would suffer by this clause, for the minds of the landlords were now so set upon their property, that they would see that it increased in value without any reference to political interests.

MR. ANSTEY said, it was admitted on all hands that tenancy must be given up as the basis of the qualification in Ireland, and that occupancy must be substituted. As the English Reform Act empowered joint tenants to vote, the same privilege ought now to be extended to joint occupiers in Ireland, provided each of their occupations was of sufficient value. It was no conclusive objection to say this would open a door for fraud; nor had it been held so in the case of joint tenants. As no one could vote under this Bill unless he was rated to the extent of 8*l.*, there could be no great amount of fraud practised. He thought the value was fixed much too high; he would make the simple payment of any rate or tax sufficient to qualify. Still he would not attempt to retard this Bill; and he hoped the Government would not abandon the clause.

MR. SHEIL said, that at the present there was one great evil in Ireland connected with fictitious votes. The evil arose from a landed proprietor granting five or six annuities to his sons and nephews, who never derived any profit from the land, and did not occupy. They were registered; and when an election came they went to the county town, and voted in favour of their father or uncle's friend. To this abuse there was no check; but under this clause there are two checks—rating and occupation. The check was double. The rate is set down in the rate book, and in order to be entered in the registry, the chief constable must certify the fact of occupation. Consider what the evil would be, on the other hand, if you denied the right of voting to joint occupiers in towns. In towns there was nothing more common than for three persons to enter into trade. [An Hon. MEMBER: This is the county franchise.]



He knew it was the county franchise, but they were giving to the inhabitants of towns that did not return Members to Parliament the county franchise. He was glad he was put in mind of the fact, that in Ireland there were abundance of towns containing from 10,000 to 12,000 inhabitants that do not return Members to Parliament. There was, in the county of Tipperary, Thurles, with about 8,000 inhabitants, Nenagh with 8,000 inhabitants, and Carrick with 8,000 inhabitants, without representatives; was it not just that those towns which did not return Members to Parliament as boroughs should have votes for the county? In those towns where there were joint occupiers, carrying on trade together, and in common occupation, each person was liable for the rates—would they deprive every one of those men of their votes? He did not deny that evils might result from fictitious votes, but he would say the preponderance of evil lay in small constituencies. The noble Lord the Member for the county of Down had called their attention to the probable amount of the constituency of that county after the passing of this measure; but he would suggest to the noble Lord that the only effect would be, that in future the noble Lord would have to fish with nets instead of with lines for votes.

MR. M. J. O'CONNELL said, that if the clause was rejected, the result would be to disfranchise joint occupiers generally. At present there was no mention in the Act of joint occupiers in boroughs; some barristers held that they were disfranchised thereby; and he had known a man occupying a 40*l.* house disfranchised, because a party was joined with him in the lease, for the purpose of securing the rent. If this clause were rejected, any landlord who chose to do so might disfranchise his tenants, by insisting on nominal parties being put in the leases as security. He did not think that the practice of splitting occupations would be diminished by refusing the franchise; that system was to be got rid of by other laws. If there was any need for protection against fictitious votes, it would be for the House to adopt other measures.

MR. SADLEIR said, that if, as had been suggested by the noble Lord the Member for the county of Down, the retention of this clause would give to any particular class of voters an undue influence, no person would more strenuously oppose it than he would; but he believed that no reliance could be placed on the

Parliamentary returns that had been furnished, for they presented a fallacious view with regard to the nature of the constituency that might be created by this Bill. He had looked with some care to the probable amount of the constituency of the county of Tipperary under this Bill. He took into account the arrangements which within his own personal knowledge were made for further and increased emigration from the south of Ireland; the numerous evictions that had taken place even since the date of those returns; and the measures, by means of notices to quit, which were now taking to carry out further the system of extermination and the consolidation of farms; and he could assure the Committee there would be no such number of voters under this Bill as some hon. Gentlemen seemed to think. The class of 8*l.* occupiers would not be so numerous as hon. Gentlemen thought they would be. He could give an accurate return with respect to the borough of Carlow. A short time since the constituency of Carlow amounted to 471 voters. By an alphabetical list up to the 1st of February, 1850, the number of persons who would appear to be entitled to vote if this Bill should pass, amounted to 445; but that alphabetical list was utterly worthless for a guide as to the constituency under this Bill. There were numbers of persons named two, three, four, and five times over; there were numbers who had either died or emigrated, and the actual number of voters at that moment in the borough of Carlow entitled to vote at an election was 235, being 210 less than the actual number represented by the alphabetical list. He had taken pains to ascertain the numbers that would be entitled to vote after the passing of this Bill, and in Carlow the utmost extent of the constituency would only be 300.

SIR R. PEEL: Sir, I am disposed to concur in the opinion expressed by the noble Lord at the head of the Government at about a quarter past five this evening, in favour of the omission of this clause. I am one of those who are in favour of an extensive franchise, and if I had had the opportunity of giving my vote on a former occasion, I should have given it in favour of an 8*l.* as against a 15*l.* qualification. At the same time, while I am desirous of establishing an extensive franchise, I am equally desirous that it should be a *bond fide* one. I should support any plan which appeared effectual for obtaining that end.

and for fulfilling that which the Legislature intended; but, above all, I should attempt, as far as possible, to discourage that abominable system of creating fictitious votes—to the prevalence of which system, while the 40s. freehold franchise existed, I attribute not only much of the perjury and corruption which have prevailed in Ireland, but also many of the social evils of that country. Now, this I am willing to admit, that if there be a *bond fide* tenant or *bond fide* joint-tenants—for instance, if three persons take a farm, and contract to pay 60*l.* a year rent for it, and that each of these three persons are equally *bond fide* responsible to the landlord for the rent which they jointly undertake to pay—I am willing to admit that in that case each of these persons should be entitled to be placed on the register, and to vote at elections. I am also willing to admit that if there be two or three partners in a concern, for instance a paper manufactory, or any other manufactory—each of those persons *bond fide* contributing a certain amount of capital for carrying on the concern, each of the partners being duly rated, each responsible for the engagements of the concern—in that case, also, each of these persons should be entitled to vote. But I am apprehensive of great abuse from the effect of this clause, which makes each person upon his being rated entitled to vote. When hon. Gentlemen opposite argue in favour of the clause, they cannot help using the words “each tenant.” Tenancy is the test which their own good sense and discretion suggests for determining the qualification to vote. Now, I admit that each tenant—each *bond fide* tenant equally responsible for the rent—ought to have the right of being registered as a voter. That is the law both of England and Scotland. But you are not about to impose that restriction of tenancy or joint tenancy, which in your speeches you unconsciously suggest as the proper restriction, in addition to that of simple rating—on the right to vote at elections. Hon. Gentlemen say that the payment of the rate will be of itself a sufficient security against abuse. That I greatly doubt. What will be the amount of rate actually payable upon an 8*l.* rating? It may be manifestly the interest of the landlord, particularly upon the approach of a general election, to make himself responsible for the rate due from the occupying tenant; that is, for the payment of 8*s.* or 10*s.* at

the utmost. That will be the entire amount of the security against abuse, if your qualification rests simply on rating. We all know that under the old system of “scot and lot” voting, it was the constant practice for candidates to pay the rates due by poor electors, not only the amount of current rates, but also of all arrears of rates, in order to qualify the voter. I have no doubt that the same will be done if this clause were agreed to; that in many counties, during a close contest, the landlords will undertake to provide the necessary funds for the payment of the rates of tenants unable or unwilling to pay for themselves. Will it not be possible, under this word “occupancy,” for a landlord wishing to increase his electioneering influence, to say to his tenants, “I will accept your sons as joint tenants with you; they shall be rated, but for the payment of the rate I will be responsible.” If that practice can be established—if you can place on the rate the son of the tenant, as well as the tenant, the labourer as well as the employer of labour—you are about to introduce great abuses in the representative system—you are about to give encouragement to the landlord again to resort to practices similar in nature to those which so unfortunately divided Ireland into a vast number of 40s. freeholds—effectual for their purpose, in the eye of the law—but as perfectly different from the *bond fide* 40s. franchise which we have in England as it is possible for any two franchises to be. If the word “tenant” had been introduced in the clause, and the right of voting had been given to *bond fide* tenancy with rating, the case would have been different. But if the word “occupancy” be alone retained, I consider that grave abuses are likely to result from it; and, while I am perfectly prepared to support any clause which will enable *bond fide* tenants, each of whom are responsible for the payment of the rent, to exercise the right of voting, I must, as at present advised, take the course which, about an hour since, the noble Lord (Lord J. Russell) professed his intention to take, and vote for the omission of this clause.

MR. REYNOLDS thought that some difficulties would arise in cases where several partners participated in the profits of the business, while the lease was held in the name of one person only, but all of the partners were liable to the payment of rent.

MR. HENLEY considered that under

this clause the boards of guardians would have, not only the power of creating a considerable number of fictitious votes, but also of destroying a great number. In the case of a joint occupancy of 80*l.*, there would be ten votes; if a board of guardians chose to strike off 1*l.* off the 80*l.* rating, the whole of the ten votes would be disfranchised. Any board of guardians disposed to exercise this power, could easily say that the tenement, not being in so good a state of repair as they expected, the amount of rating ought to be reduced, or numerous other excuses of a similar kind.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 144; Noes 104: Majority 40.

Clause agreed to.

Clause 3.

SIR F. THESIGER said, that as he understood the proposition of the Government, it was not their intention to interfere with the existing franchises, except so far as they depended on occupation; but that it was intended to create a new franchise, which was in fact created by the first clause of the Bill. He would therefore suggest, in order to make the matter perfectly clear, that there should be introduced in the clause then before the Committee, after the enacting words, the words "in addition to those qualified by law to register and vote at any election upon rights acquired in virtue of any qualification not requiring occupation."

SIR W. SOMERVILLE said, that as the words were the same as those introduced in the first clause of the Bill, and for the same object, he had no objection to their insertion.

MR. REYNOLDS considered the whole of the clause as a most dangerous one—one which was a departure from the principle of the Bill, and was of opinion that it ought to be expunged altogether. As he did not think, however, that he should succeed in dividing the House on the question, he should merely content himself with protesting against the clause.

The words to be inserted in the clause.

SIR F. THESIGER then moved the omission of the words in the clause giving the right of voting to persons possessed of estates for life of the value of 5*l.*; the words proposed to be omitted being "or for his own life (such tenant for life) not being a lessee or assignee of a lessee at a

rent." In 1844, when the Bill of Lord St. Germans was before the House, proposing a 5*l.* freehold franchise of inheritance, the noble Lord at the head of the Government stated that he had great objection to a franchise founded upon a 40*s.* freehold for life, on account of the abuses to which it might lead, but saw no reason why a freehold of inheritance should be retained so high as 5*l.* Now, the proposed franchise was not one of the value of 5*l.*, but a freehold "rated as of the value of 5*l.*" A person, therefore, who held a freehold for life, though not of the value of 5*l.*, or perhaps not more than 40*s.*, would, if he could get his freehold rated as of the value of 5*l.*, be entitled to vote, thereby opening the door to abuse, which would, in his opinion, be prevented if the franchise were confined to a freehold of inheritance.

MR. GRATTAN said, that there appeared to be some misapprehension as to the powers of the boards of guardians in creating fictitious votes. In point of fact, the guardians had not the power to put a single amendment on the rate.

MR. M. J. O'CONNELL expressed himself anxious to hear the opinions of the Government on the subject of the proposed Amendment.

MR. HATCHELL considered that the remarks of the hon. and learned Gentleman the Member for Abingdon, with respect to under value or over rating, went to the entire principle of the Bill, and applied equally to the question of the 8*l.* rating as to this clause. The hon. and learned Gentleman did not object to persons voting who were possessed of estates in fee or in tail, but confined his objections to possessors of estates for life, and appeared to think that the clause referred to leaseholds for life. That, however, was neither the object nor the meaning of the clause. The true construction of the clause was, that a party to be entitled to the franchise should be possessed, as tenant for life, of an estate of a certain value, which estate was to be carved out of the inheritance. If there were any words which would appear to the hon. and learned Gentleman better calculated to remove the ambiguity, he would have no objection to their insertion.

Amendment withdrawn.

SIR F. THESIGER thought at first that the wording of the clause could be made to bear the construction which he had put upon them; but from the ex-

planations of the hon. and learned Solicitor General for Ireland he was satisfied of its true construction, and he had therefore withdrawn his objection. However, he now begged to call attention to the Amendment which he was about to propose, which was to omit all the words after the word "hereditaments" in the 33rd line, down to the words "or upwards." At present they stood, "which shall be rated in the last rate for the time being under the said Acts for the more effectual relief of the destitute poor in Ireland as of the net annual value of 5*l.* or upwards." He proposed to insert in their stead the words, "over and above all rents and charges payable out of or in respect of same." The Committee would understand the object he had in view in omitting these words, and inserting the substituted ones. They had now come to an important question. Agreeing, as they all did, in the necessity of making up for the deficiency in county constituencies in Ireland, and agreeing that for such purpose it was necessary to create a new class of voters, the question then arose whether, in creating a new freehold constituency in the counties, they would take rating as the test of *bond fide* freeholders of a certain value. Now, hon. Members were aware that at present, under the 10th Geo. IV., there was no freehold franchise under the amount of 10*l.* in Ireland, and that every person holding to that amount was required to occupy, in order to entitle himself to the franchise. Hon. Members were aware that at the present moment, with one slight exception, there was an invariable distinction between the franchise as it existed in counties and boroughs; and that as regarded the franchise in the county, it was invariably based upon property. The 40*s.* freehold in England was a freehold under which a man possessed value to that amount, whilst the freehold that gave the party a right to vote in Ireland was one under which the party had a beneficial interest; and the distinction had been preserved between the franchise as it existed in counties—being based on property—and boroughs, which rested on occupation, since the Reform Bill. They were then about to make an extraordinary change in their system, and to create an entirely new class of freehold voters. They were about to declare that property should no longer be the basis of qualification; and by that clause, if adopted, persons who did not hold a shilling beneficial interest in freehold would be entitled to the franchise.

He was particularly desirous of following the course on the present occasion which he had ever pursued since he had had the honour of obtaining a seat in that House, with regard to questions similar to the present. In 1844, as the noble Lord at the head of Her Majesty's Government was aware, the Government with which he (Sir F. Thesiger) had the honour to be connected, introduced a Bill for the purpose of supplying the deficiency which arose in the county constituencies in Ireland, and proposed to create a new class to supply that deficiency, who were to be rated at 30*l.*, the other class being, where parties held by freehold tenure an inheritance of 5*l.* over all charges. To that principle the noble Lord, as far as he (Sir F. Thesiger) was able to watch his course, had hitherto adhered, and at different times had strongly contended for it. In 1841 the noble Lord objected to the introduction of the Chandos clause, not because it was calculated to lead to abuses, but because it violated a principle. He had not before heard sentiments from the noble Lord which differed from that view; but he (Sir F. Thesiger) conceived that up to the introduction of the Bills introduced in the last and previous Session, the noble Lord sustained the same views which he had previously done in that House. But at present he came forward with a Bill which swept away all such instructions, and in which it was proposed to base the county constituency, not on property, but on rating. Now, let them consider the question before them. It was clear that any person who could get his name inserted upon the rate as of the value of 5*l.* would be entitled to be registered, and would be registered, although he might not have paid a single rate at the time of registration—because the six months' possession or receipts of rents previous to the 6th of July was the ground on which he was entitled to be registered. A party was entitled to be registered although he had not paid his rates between the 5th of January and the 6th of July. The party might never have been on the rate before the 5th of January, and therefore although bound to pay all rates before that date, yet, inasmuch as he might not have been rated at all, no rates might be due from him, and therefore he would be entitled to be registered. Well, was the condition of such a party, a person possessing property? He took the case of a party who held for lives renewable for ever. That party might be rated for the full amount



of property without possessing one shilling beneficial interest; yet it was clear if he paid a rate of 5*l.* he would be entitled to be on the rate. He would suppose the case of a person who borrowed money to buy, and afterwards mortgaged his freehold: that person would be in receipt of no profit, yet would be entitled to be a 5*l.* freeholder under the present clause, though he had not a farthing beneficial interest, being obliged to pay it away to the mortgagee. Thus they introduced persons who might be paupers. They afforded the opportunity to persons to register who had no property and no independence. At a general election, for instance, the landlords might be ready enough to pay rates for these parties; and thus, instead of creating what they all desired, a free constituency, they were creating a low dependent class, that would be entirely at the mercy of those who had advanced money on property, and were thus destroying the principle on which the franchise ought to be conceded; and that was the question they were then to decide. The question was, would the noble Lord bestow the franchise on such persons when he considered what the effect would be? Of course he might assume from the introduction of similar Bills in previous Sessions, that the noble Lord had now changed his views on the subject. It had been said, that from the constant waste and renewal of our bodily particles, at the expiration of seven years not a single atom remained of those which constituted our bodies at the commencement of that period; but he must say that the mental changes were still more extraordinary than the bodily, because he had seen them effected all in one night. They had seen the noble Lord at the head of Her Majesty's Government throwing the shield of conservatism before the Reform Act when assailed last night by the Motion of the hon. Member for Montrose; whilst immediately afterwards they had the same noble Lord coming down and supporting a Bill infinitely more destructive to the Reform Act in Ireland, than the measure proposed by the hon. Member for Montrose. He assured the noble Lord he viewed with great fear the course he was pursuing; because he was satisfied there was great danger in it to their existing institutions, and that if he proceeded in such a course—at one period letting the reins loose, and then tightening them, according to the exigencies of the times—he would be ultimately dragged headlong by

those who were desirous of a downward tendency in our institutions, and who were anxious of introducing more of the democratic leaven into them. He could assure the noble Lord these Gentlemen were fully satisfied that he was playing the part which would assist the object they had decidedly and unmistakeably in view. He (Sir F. Thesiger) viewed the present measure with considerable alarm, because he saw it would naturally entail a similar measure for England. ["Hear, hear!"] He heard the sentiment cheered, and adopted by the hon. Gentlemen on the opposite side, who felt it was the first movement in the direction which they wished to pursue. He called on the noble Lord not to deliver himself over to the views of those Gentlemen, who differed so widely from him as to the preservation of their ancient institutions. He called on the Committee of that House to adopt his (Sir F. Thesiger's) view of the clause, and decide if they were to create a new 5*l.* constituency, to make it a *bond fide* freehold to that amount, instead of adopting the noble Lord's fictitious and colourable project of placing parties' names on the rate, and not requiring payment to entitle them to be placed thereon.

Amendment proposed, page 2, line 33—

"To leave out the words 'which shall be rated in the last rate for the time being under the said Acts for the more effectual relief of the destitute poor in Ireland.'"

LORD J. RUSSELL said, the proposal was to give the right of voting to persons who held property of the value of 5*l.*, and who were owners in fee, or in possession of an estate for life of that amount. He declared the proposal was not open to the hon. and learned Gentleman's objection. The hon. and learned Gentleman stated that a party might have no property whatever, or if in possession of property it might be mortgaged to such an amount as would render it valueless to him; but it struck him (Lord J. Russell) that the hon. and learned Gentleman failed in making out his case. In his opinion the occupiers of 8*l.* ratings and those holding property of 5*l.* annual value, were persons that might safely be entrusted with the franchise. If the hon. and learned Gentleman had said "Do not touch the Reform Bill, which provides a sufficient constituency," then he (Lord J. Russell) could have understood his proposition; but half the speech of the hon. and learned Gentleman went to show that he concurred with the

Government with which he had been connected in altering the Irish Reform Act. The question, therefore, was not whether the Irish Reform Act should be altered, but whether the 30*l.* occupation and freehold qualification, mentioned by the hon. and learned Gentleman, or the franchise proposed by Her Majesty's Government at present, would be the better for Ireland. They adopted the principle of the present Bill, which assumed that the franchise would be conferred on a sufficient number of electors, and that these electors would be possessed of the required amount of property. That cases of fraud might arise, he was not prepared to contradict, because in England and Scotland parties were fraudulently placed on the franchise who had no right to be on it, and, therefore, he was not going to maintain that such would not occur in Ireland. However, the system was not open to general objection; on the contrary, he believed the electors would have sufficient property, and would possess a degree of intelligence and respectability, sufficient to enable them to exercise their right. The hon. and learned Gentlemen had asserted that by acceding to such measures as the present, they were incurring dangers of a more serious nature than could be expected to result from the adoption of the measure of the hon. Member for Montrose. He (Lord J. Russell) would not stop to institute a comparison between the two measures; but he would say, he did not conceive it to be the best way to preserve their institutions, to adopt on all occasions conservative courses, and deny all reforms which, even in themselves, were useful and capable of being defended on sound principles. He had been told at the time of the Reform Bill, that reform should be refused, and conservation adhered to. But he had lived to see the day when he heard hon. Gentlemen who entertained these views ejaculate, "Thank Heaven, our objections to the Reform Bill were ill founded, and not adopted; because in these revolutionary times neither we nor our institutions have been exposed to the perils with which we have been surrounded." Therefore he was of opinion that those who called themselves "conservatives" were most revolutionary, and that the best way to preserve their institutions was to do away with the exclusiveness that heretofore prevailed.

LORD J. MANNERS briefly expressed his dissatisfaction at the reply of the noble Lord at the head of Her Majesty's Go-

vernment, which did not meet the able statement of his hon. and learned Friend the Member for Abingdon; and therefore he hoped the Committee would adopt the Amendment of his hon. and learned Friend.

The ATTORNEY GENERAL said, that the effect of his hon. and learned Friend's Amendment would be to give the franchise to freeholders possessing what was now called a beneficial interest, which would occasion considerable doubt, and revive the old mischief occasioned by raising the question of beneficial value before the barrister. In lieu of that the Government took the simple criterion of rating.

MR. G. A. HAMILTON thought that, without reference to party questions, it would be most desirable to have *bond fide* and not fictitious votes. The test adopted in the clause was rating, but he was of opinion that a beneficial interest was a better criterion.

MR. REYNOLDS declared that, if the words proposed to be omitted were left out, the landlords would be enabled to make voters by wholesale. Even as the clause stood it would enable the landlords to swamp the ratepayers with 5*l.* voters. No residence was required, and only six months' receipt of the rents and profits, and if he were to give the clause a name, he should call it "a clause to enable the landlords of Ireland to manufacture, without limit, as many fictitious votes as might suit their purpose."

MR. SADLEIR had also a very great objection to the clause as it stood, because it created a right of voting wholly irrespective of inhabitancy, and would add very much to the number of fictitious votes. But if the Amendment of the hon. and learned Member for Abingdon were adopted, it would open the door to the greatest frauds. The plain result of the Amendment would be, to substitute the test of swearing for the test of rating.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 106; Noes 36: Majority 70.

SIR F. THESIGER said, that he did not think it was reasonable that parties should be rated, and not required to pay rates, as was the case under this clause. He should, therefore, propose a proviso to the effect—

"That no person should be registered under this clause unless all rates made up to the 1st of

January in each year should be paid by the 1st of July."

This would place them on the same footing as the 8*l*. voters.

The ATTORNEY GENERAL said, that when a party was not an occupier under this clause, he would not be rated, but the rates would be paid by the occupier. If the owner was the occupier, he would be rated.

MR. REYNOLDS thought the proposal of the hon. and learned Member for Abingdon was reasonable, and he should vote for it if it was pressed to a division. An owner of property might let it to parties who might get greatly in arrear with the rates. He feared this clause would tend to the manufacture of fictitious votes.

MR. SCULLY argued that care should be taken that all rates due should be paid before parties under this clause should be entitled to vote.

Amendment withdrawn.

Clause agreed to, as was Clause 4.

Clause 5.

MR. HATCHELL, in answer to a question from Sir R. Ferguson, said that the object of the clause was to prevent a person having the franchise for a borough, possessing also a vote for the county arising out of the same property.

MR. C. ANSTEY thought the two last lines in the clause, "in respect of which he would be entitled to vote at an election for such city, town, or borough," should be left out, as inconsistent with the other provisions of the Bill.

The ATTORNEY GENERAL explained that, in England, if a person had half a dozen franchises in a borough, all of which were borough franchises, he could not vote for the county; but if he had an occupation franchise in a borough, and also other freehold property within the limits of the borough, he could vote for the county in respect of that freehold.

SIR D. NORREYS proposed leaving out the words "in respect to any lands," in order to define more clearly that the voter might vote, having a freehold of which he had not the occupancy.

SIR F. THESIGER said, that a man might possess two descriptions of property in a borough, and with respect to one he might be entitled to vote for the borough or for the county, but was registered for the borough and not for the county; but with respect to the other was entitled to vote for the county and be registered for the county,

The ATTORNEY GENERAL said, that an individual could not be registered for county and borough on one property; and the object of the clause was to prevent any one from voting for both county and borough on the same property.

MR. R. C. HILDYARD did not see why a party happening to live in a borough should be placed in a better position than one living in a county, by having a double vote. The simpler and juster course would be to enact that no one should be entitled to interfere in a county election if his property was situated in a borough.

SIR G. GREY said, that the effect of the hon. and learned Gentleman's proposal would be to disfranchise person now having a county vote because they happened to live in a borough.

MR. R. C. HILDYARD expressed his opinion that the clause would give an undue influence to the boroughs.

MR. HAYTER said, it was clear that a person having freehold property in a borough was entitled to vote for the county in respect of that property. What was done was to make the alteration with respect to Ireland.

SIR F. THESIGER could not see anything undesirable in a man having two properties in a borough voting for the county upon one of them. In this respect he was content with the law as it was in England.

Amendment withdrawn; Clause agreed to.

On Clause 6,

MR. G. A. HAMILTON proposed the addition of certain words with respect to the borough franchise, to preserve the rights of the existing 10*l*. voters.

SIR W. SOMERVILLE objected to the addition.

LORD J. MANNERS said, if these householders were not to be disfranchised, the words proposed by his hon. Friend the Member for the University of Dublin ought to be added. But if they were to be disfranchised, let the intention be declared at once.

MR. REYNOLDS said, that the first clause of the Bill had deprived a large and respectable class of the franchise who were registered under the 10*l*. qualification. He presumed the same would be the effect of the present clause, and that those registered as leaseholders would be swept away.

SIR F. THESIGER said, that his object had been from the first to preserve the existing franchise, and to make this Bill,

not a substitute, but a supplement—to use the words of the noble Lord at the head of the Government—to the Reform Bill. He had been desirous that the words proposed by his hon. Friend the Member for the University of Dublin, at the end of the first clause, should have extended further, and included the case of every existing county franchise. However, the committee had decided otherwise, and now the question was, how far they should preserve the existing rights of the boroughs. He was disposed to preserve every existing right.

SIR W. SOMERVILLE observed, that it was proposed to do the same thing with regard to the boroughs that had been done in reference to the counties.

MR. G. A. HAMILTON said, all he desired was, that the Committee would accept the words he proposed, in order that the existing occupation franchise might not be disturbed.

MR. SADLEIR wished to understand what the intentions of the Government were. The question was important, as the clause would operate extensively in cities and towns.

SIR W. SOMERVILLE said, that the question was not raised by the Amendment of the hon. Member for Dublin University, who proposed that all franchises should be preserved which did not require occupation.

SIR G. GREY apprehended that the 10*l.* qualification for mere occupation was to be swept away, and a rating to the poor substituted.

Amendment agreed to.

MR. GROGAN then moved to omit, in line 25, the words “any lands, tenements, or hereditaments,” as leading to doubts and litigation.

SIR F. THESIGER wished to know if by this clause a person should be entitled to vote for two houses, or counting-houses, or warehouses, or shops? He presumed he did not, but that it was intended by the clause that a man should vote for a house and land, or a warehouse and land, or a counting-house and land. But the preceding words were “in respect of any lands, tenements, or hereditaments,” which any lawyer would tell them that two houses or twenty houses would be included in them. It would be desirable to omit the words, or explain them by specific words.

SIR D. NORREYS said, that nothing would be more mischievous than to leave out the words. If this Bill were to receive

the interpretations of the hon. Members for Abingdon and Dublin, it would disfranchise a large portion of the constituency of Ireland. But he hoped the Government would be firm in resisting the insertion of the clause.

MR. M. J. O'CONNELL argued that if the words proposed to be left out were omitted, the Irish franchise would not thereby be assimilated to the English franchise, inasmuch as the English Act contained the words “or other building.”

COLONEL DUNNE had not the slightest doubt that the Bill, as it stood, would have the effect of restricting the franchise beyond the intentions of Parliament. He hoped, therefore, that Her Majesty's Government would interpose no objection to the union of different tenements in order to make up the franchise.

MR. C. ANSTEY said, that was the very point of discussion. In a Bill which changed the franchise from tenure to rating, they ought to follow the analogy of the Irish poor-law, to which this measure was a supplement. In the rating under that law every description of property was taken into account, whether occupied under one or under various titles. As, therefore, occupation and payment of rates were intended to confer the franchise, the analogy ought to be strictly carried out, and no words be introduced which would deprive a qualified occupier who had paid his rates of the right to vote, by creating a distinction not recognised in the Poor Law Act. With regard to the Amendment for leaving out the words “lands, tenements, or hereditaments,” he hoped it would be unanimously rejected, for it would materially add to the hardship and inconsistency of the Act.

MR. GROGAN said, the sense of the House appeared to be against the Amendment; and, therefore, he would not press it.

Amendment withdrawn.

SIR D. NORREYS, after the above words, “lands, tenements, or hereditaments,” moved the omission of the words “or any house, warehouse, counting-house or shop, either separately or jointly with any land within such city, town, or borough, occupied as tenant under the same landlord, or occupied as owner,” for the purpose of introducing a provision that, where an occupier shall be separately rated for several premises of the value of 8*l.* and upwards, the payment of poor-rates for any one of such pre-



mises (being of the required value) shall be sufficient payment of rates for registry.

COLONEL DUNNE objected to the omission of the words, and suggested that "or other building" should be added after "counting-house," as a means of assimilating the Bill to the English Act.

MR. REYNOLDS opposed the Amendment, on the ground that it would give rise to litigation. It might do very well for a small borough like Mallow, where the difficulties which he foresaw could never occur, because the houses there never attained to the elevation which they reached in the city of Dublin, but it would be impracticable in large constituencies.

The ATTORNEY GENERAL said, the words "lands, tenements, or hereditaments," were large enough to include everything; but the following words specified particular premises, restricting their occupation to be under the same landlord. There was therefore an apparent difficulty in the construction, which it certainly would be better to avoid. But he did not think the Committee would assent to the Amendment. The reason for inserting "lands, tenements, or hereditaments," was to comprehend every species of franchise. The clause certainly might be more clearly put, and it might be reconsidered upon the report. As the clause stood, the voter would have the right to vote, though he held under a hundred different landlords; but if the words "lands, tenements, or hereditaments," were struck out, he would not.

MR. R. C. HILDYARD reminded the House that the general words, "lands, tenements, or hereditaments," had been passed, and the question was whether words should be inserted to qualify them. If such words were inserted, he thought the clause would be inconsistent.

MR. ROEBUCK understood that the Attorney General acknowledged the principle contended for, but only wished to guard against proceeding in a hurry. If the hon. and learned Gentleman accepted the principle, he (Mr. Roebuck) would give him the discretion he asked.

The ATTORNEY GENERAL said, that if the Committee were agreed on the point, he was willing that the words after "lands, tenements, and hereditaments" should be left out.

MR. ROEBUCK suggested that the words should be struck out at once.

The ATTORNEY GENERAL was

quite willing to do so, but was in the hands of the Committee.

SIR F. THESIGER suggested the advisability of taking the portions of the clause separately. If the Government would consent to omit the words "house, counting-house, or shop," the hon. Member for Dublin might then raise a discussion with respect to the occupation of tenants and owners.

Amendment agreed to.

MR. GROGAN then moved the insertion, after the words "hereditaments," of the words "as tenant or owner."

MR. C. ANSTEY wished to ask the Chairman whether it was competent to the hon. Member to move the insertion of words which had just been struck out of the clause?

The CHAIRMAN considered that it was perfectly competent to the hon. Member for Dublin city to propose his Amendment.

Amendment proposed, page 3, line 25, after the word "hereditaments," to insert the words, "as tenant or owner."

Question put, "That the proposed words be there inserted."

The Committee divided:—Ayes 83; Noes 170: Majority 87.

Same Clause, page 3, line 34. Motion made, and Question proposed, "That the blank be filled with 'eight pounds.'"

MR. REYNOLDS moved that the word "eight" be struck out, and the blank be filled up by "five." His object, he said, was to reduce the borough qualification from 8*l.* to 5*l.* Hon. Gentlemen on the other side had admitted that the county qualification ought to be higher than the borough qualification, and as they had fixed the county qualification at 8*l.*, he asked for their co-operation to induce Government to consent to his proposition. If the 8*l.* qualification were maintained, some of the boroughs would be virtually disfranchised. Portarlington, for instance, had 170 Parliamentary voters in 1847; and if the franchise were confined to those rated at 8*l.*, the number would be reduced to 110. The case would be the same at Athlone. As the intention of the Government by this Bill was to enlarge the constituencies, he hoped they would not allow it to pass in such a form that it should have an opposite effect. In Dublin there were nominally on the burgess-roll 15,000 voters, including a class whom he was not quite in love with—the freemen—whose numbers were 4,000, who had no property

qualification, and were not required to be ratepayers or householders. Was it fair towards the voters with a property qualification, while the freemen were maintained, to insist on so high a franchise as an 8*l.* rating? A great principle was involved—were the parties who were rated to the poor, and paid their rates, entitled to a voice in the choice of their representatives? He hoped hon. Gentlemen opposite would not oppose his Amendment, but give up all unworthy suspicions of the people, and identify themselves with the people in feeling and interest. If they acted otherwise, and the Bill was carried in spite of them, they would have to admit, on returning to their constituents, that they had done all in their power to prevent them having the franchise. With the 8*l.* qualification, not more than 24,000 voters would be given to all the boroughs; hence the state of the franchise would be made worse instead of being improved. At present the qualification was a 10*l.* value, which was lower than an 8*l.* rating, the latter being equal to 12*l.* in rental.

Afterwards proposed, “That the blank be filled with ‘five pounds.’”

VISCOUNT CASTLEREAGH said, he had no wish to limit the constituency in the county he represented.

MR. REYNOLDS expressed his belief that the noble Lord would be returned for the county Down, even if they had universal suffrage.

SIR W. SOMERVILLE said, it was the intention of the Government to maintain the Bill as it stood; he must, therefore, oppose the Amendment. The franchise proposed for the counties was much more extensive than the present one; but it was said it would not be so in the boroughs. His answer was, that the case of the boroughs was not so strong—so large an extension of the suffrage was not necessary. The county electors in Ireland were not more than two per cent of the adult male population; while in this country it was 29 per cent. The borough electors in Ireland, on the other hand, bore a larger proportion to the population than it did in this country, being 22 per cent. There were 48,421 tenements in the different boroughs rated above 8*l.*; deducting one-fifth for double holdings, and holdings by minors, there remained 38,753. In some boroughs, the constituency might be diminished, but it was impossible to legislate with a view to particular boroughs; the House could only

proceed on general principles. In addition to the 38,753, there would also be the freemen, whatever might be their numbers. He would repeat, that the case of the boroughs was not so strong as that of the counties, and that it was the determination of the Government to support the Bill as it stood.

MR. F. FRENCH believed, if the 8*l.* rating standard were adopted, the Bill would operate as a restriction instead of an extension of the present franchise. The Reform Bill established an occupation franchise of 10*l.*; but many of the tenements which conferred that franchise were rated at 5*l.* and 6*l.*, and that was before the depreciation of property which of late years had taken place.

SIR T. O'BRIEN considered that the 8*l.* test would virtually disfranchise many towns.

COLONEL RAWDON deplored the decision which Government had come to in this matter. They could not be aware of the great depreciation of property in Irish towns. He thought that a 5*l.* rating for Ireland would be fully as high as a 10*l.* rating in this country.

MR. ROEBUCK said, that admitting a 10*l.* rating to be the proper test for the possession of the suffrage here, he wished to know whether an 8*l.* rating for Ireland bore the same relative proportion to the wealth of Ireland as a 10*l.* rating did to the wealth of England. He found that in this clause they were going to pass another Schedule B—that great blot in the Reform Bill. It was now generally admitted that small constituencies were the source of great corruption in England; but were we not now about to call into being a series of small boroughs in Ireland in which the probability was that bribery of all kinds would most flourish? Now, he believed that corruption would, in a great degree, be put an end to by taking a 5*l.* instead of an 8*l.* franchise, and thus enlarging the constituencies. But, even apart from that consideration, was there not something in having a fair representation of the people of Ireland? A 10*l.* qualification in England was grossly unequal; in some places in the north it would not do more than include the first houses in the town, and in London it hardly gave a vote. But how much more inequality was there between a 10*l.* house in London, and an 8*l.* rating in Portarlington. Could anything be more unjust? and what would be the harm of adopting the proposition

of the Lord Mayor of Dublin? It appeared to him that the 5*l.* rating would hardly include the real honest middle classes of Ireland. Certainly, it would not do more than just include them. He trusted the Irish Gentlemen on both sides the House would press upon the noble Lord the adoption of the 5*l.* rating, as being only equivalent to the 10*l.* rating in this country, and fairly expressing the difference in the manners, habits, and wealth of the two countries.

MR. M. J. O'CONNELL was of opinion that there was not an argument which had been used to sustain the 8*l.* franchise in counties, that would not go to support the proposition for a 5*l.* franchise in boroughs. The counties returned 64 Members, and the boroughs 39, and the 64 Members would have a constituency of 250,000, while the constituency of the boroughs would amount only to 48,441. Of that number Dublin would have 19,000, Cork 4,500, and Belfast 5,000; and what then would they have for the remainder of the boroughs?—a wretched minority, on which it would not be in the power of public opinion to act. To show the reduced state of the borough constituencies, he referred to the place represented by the right hon. Gentleman the Chief Secretary for Ireland. In the borough of Drogheda, at the last election, 307 electors only were polled; and in the city of Cork, with a population, including the rural districts, of 106,000, the number of voters polled at the last election was 1,377.

SIR D. NORREYS called attention to the fact, that the valuation on which the calculation was made respecting the borough franchise, was made some years ago, and no person could deny that, in the intermediate time, the valuations of tenements in towns had fallen 25 per cent.

MR. SADLEIR concurred in the observation that had fallen from the hon. and learned Member for Sheffield, that the only real protection against a wide-spread system of corruption would be to increase the numbers of the borough constituency in Ireland. As the Bill at present stood, very few constituencies would exceed 300, and it was idle to expect that purity of election could be preserved in those boroughs where the constituency was under 300. He was surprised at the course taken by Irish Members at the opposite side of the House. They should have *risen* above the paltry considerations of *party on this occasion*, and called upon the

Government to confer on the boroughs a franchise sufficiently extensive.

LORD C. HAMILTON said, that the hon. Gentleman seemed to forget that he very often sat at that side of the House himself, and was constantly changing his seat. He agreed in the suggestion of the hon. Gentleman the Member for Roscommon with respect to the propriety of assimilating the practice in regard to boroughs in Ireland and Scotland.

MR. M. O'CONNELL said, there was no one acquainted with rating in Ireland who must not know that an 8*l.* valuation, if not more, was certainly not less, than 12*l.* value, and the amount proposed by his right hon. Friend the Lord Mayor of Dublin would bring the amount as near as possible to an 8*l.* franchise.

MR. SCULLY begged to say, in reference to an observation that fell from the right hon. Gentleman the Secretary for Ireland, that the number of borough voters in England was 314,000, while the number for Ireland, according to this return, would be 48,000; and was that, he asked, a fair proportion? If the 5*l.* franchise were adopted in Ireland, it would give, according to a calculation he had made, a proportion of about one vote in every sixteen of the population. He trusted the Government would attend to the suggestion made to them, for there were loud complaints from all quarters of the country against the Bill.

MR. BROTHERTON said, that there was not much cause to apprehend a very great extension of the franchise, whether they allowed all persons rated to the poor to vote, or limited the number to those who were rated at 5*l.*, 6*l.*, or 8*l.*, so long as the payment of the rates was made a condition. Some rated at 5*l.* would pay, but many would not.

VISCOUNT CASTLEREAGH hoped that some Member of the Government would condescend to state to the House the reasons why a measure was to be persisted in which evidently placed the Irish boroughs in such a dilemma.

COLONEL DUNNE begged to say, and he understood the right hon. Gentleman the Lord Mayor of Dublin had said, that there were only 170 voters in the borough which he (Colonel Dunne) had the honour to represent. But if his right hon. Friend were to take off the odd hundred, and leave only the seventy, he would be really nearer the mark. And if the present measure were passed in the form in which

it then stood, there would be some even of them taken off.

MR. MONSELL wished the noble Lord at the head of the Government would, after the strong and almost unanimous opinion expressed by all the hon. Members for Ireland against the Government proposal, allow the Chairman to report progress. It was admitted on all hands that a very different measure of justice would be dealt to the boroughs from that which was dealt to the counties if the clause were allowed to remain.

MR. S. ADAIR thought that a decision taken then by the House upon the question before it would be premature. He had received letters from persons of the highest respectability in the borough of Armagh, in which it was stated that the 8*l.* franchise, as it was proposed to be based, would be equivalent to a 16*l.* value, taking into account the depreciated value of property, which was 20 to 25 per cent, at the very least. Of that depreciation there could be no doubt, and he felt that there would not be an equal measure of justice dealt to the boroughs and the counties by the original clause proposed. They ought to give the boroughs a free, fair, and *bond fide* franchise, and he confessed he had his doubts that the 8*l.* franchise would do that. In order to give the Government time to consider the question, he would be prepared, if the House thought fit, to move that the Chairman should report progress and ask leave to sit again.

LORD J. RUSSELL said, that the Government had endeavoured to carry this Bill with a view to give, if possible, a real and practical benefit to the people of Ireland, to extend the number of electors where they were at present exceedingly deficient, and to make the franchise more satisfactory to the people of that country. If they should fail in that endeavour, they could not continue to take charge of the present Bill. With regard to the county franchise, it was obvious that the value hitherto required, and the mode of obtaining the franchise, had diminished the number of voters very greatly, so greatly that it was necessary to consider in what way the number could be best increased. They had considered the various propositions made during the past ten years upon the subject, and, upon the whole, they had come to the decision that it was necessary to alter the basis of the franchise from tenure to mere occupation. It was not thought necessary to make any consider-

able alteration in the borough franchise. It was made like the English borough franchise, which was fixed at 10*l.* And, as it was an obvious proposition that they should no longer take the 10*l.*, it was resolved that they would take 8*l.* only, adopting rating as the amount instead of value. The 40*s.* franchise having been abolished in Ireland, it was necessary to take a different franchise entirely from that of England with regard to the counties. But with regard to the boroughs it was not necessary to take another. There was not there the same dissimilarity. The 10*l.* franchise remained in England, and if a 5*l.* one were taken for Ireland—if the proposition of the right hon. Gentleman the Lord Mayor of Dublin were adopted, he certainly could see no reason why a 5*l.* one should not be taken for England. He had had an extensive correspondence upon the subject. He had received various letters from persons well qualified to form an opinion upon it, and they gave as their opinion that such a change would be entirely fatal to the Bill. Having received the opinion, and considered it, it certainly struck him that it was well founded. If they placed the Bill before the House as they had done, they would have a good chance of making a large and practical extension of the franchise. But if they made a proposal such as that which was then before the House, there would have been but little chance of such a Bill passing during the present Session. Those were the grounds upon which they had made their proposal. Of course, the House would deal with it as it thought fit. But it was not for want of discussion and a great deal of consideration upon the subject, that they had come to the decision they had of proposing an 8*l.* franchise.

MR. CHRISTOPHER begged to make one observation as an English Member. He was very much surprised to hear hon. Gentlemen from the other side of the Channel state broadly and frankly that an 8*l.* franchise upon the rating in Ireland was equivalent to a 16*l.* holding, when upon the poor-law debates they complained of the excessive pressure, in consequence of the rates being too much for them, so much higher than they were in England. He really could not reconcile the two propositions. If the 8*l.* franchise, according to the rates in Ireland, were equal to a 16*l.* franchise in England, then hon. Gentlemen had no right to come forward to say that they were grievously oppressed.



Mr. ROEBUCK thought that the question which the Committee had to discuss was entirely confined to the suffrage, and had nothing whatever to do with the question of rates as referred to by the hon. Member for North Lincolnshire. He (Mr. Roebuck) disapproved of the conduct of the noble Lord at the head of the Government with respect to this Bill, and his threatening no longer to take charge of it if any alteration were made in it by the Committee. The noble Lord had said, that he had made inquiries with respect to the case of Ireland; but what more information could he have desired than had been furnished to him by hon. Members for Ireland? There was not a single Irish Member who had spoken on the subject who had not said that the effect of fixing this amount of franchise would be to reduce very considerably the borough constituencies. The noble Lord had not stated how he had obtained his information from Ireland; but could he deny any of the statements which had been put forward by hon. Members for that country, one of whom, the hon. and gallant Member for Portarlington, had said, that if this amount were adopted, his constituency would be reduced to seventy electors. In his opinion the noble Lord was not dealing fairly with Ireland, and his councillors had not fairly informed him of the state of the country.

Mr. TORRENS M'CULLAGH called the attention of the noble Lord at the head of the Government to the report of the Commission appointed in 1840 to inquire with respect to the valuation of property in Ireland, in which it was stated that an eight pound franchise would strike off a great many of those who were then rated at 10*l.*, and that a 5*l.* franchise even would have the same effect.

Mr. KERSHAW said, that as he had always supported liberal measures for Ireland, he hoped that the Government would consent to reconsider this question with respect to the borough franchise.

The EARL of ARUNDEL and SURREY suggested, that if the Government would not give the Committee any hope of their reconsidering the subject, the sooner the House divided the better.

Mr. GROGAN said, that in his opinion it was impossible to increase the borough constituencies, unless they obtained voters from the poor-houses.

Mr. REYNOLDS said that, as he believed the Government might probably be induced to change their minds on the sub-

ject, he thought the better course to adopt would be for the Chairman to report progress, and ask leave to sit again.

Whereupon Motion made, and Question, "That the Chairman do report progress, and ask leave to sit again," put, and negatived.

Question put, "That the blank be filled with 'eight pounds.'"

The Committee divided:—Ayes 142, Noes 90: Majority 52.

### *List of the AYES.*

Abdy, Sir T. N.	Halsey, T. P.
Adderley, C. B.	Hamilton, G. A.
Anson, hon. Col.	Hamilton, J. H.
Archdall, Capt. M.	Hamilton, Lord C.
Arkwright, G.	Hatchell, J.
Armstrong, Sir A.	Hawes, B.
Baines, rt. hon. M. T.	Hayter, rt. hon. W. G.
Bankes, G.	Headlam, T. E.
Bateson, T.	Heald, J.
Bellew, R. M.	Heneage, E.
Bennet, P.	Henley, J. W.
Beresford, W.	Herbert, H. A.
Berkeley, Adm.	Herbert, rt. hon. S.
Birch, Sir T. B. M.	Hildyard, R. C.
Boldero, H. G.	Hobhouse, rt. hon. Sir J.
Bowles, Adm.	Hood, Sir A.
Boyle, hon. Col.	Howard, Lord E.
Brockman, E. D.	Jervis, Sir J.
Bunbury, W. M.	Jocelyn, Visct.
Carew, W. H. P.	Jolliffe, Sir W. G. H.
Cavendish, hon. C. C.	Jones, Capt.
Cayley, E. S.	Kildare, Marq. of
Chatterton, Col.	Labouchere, rt. hon. H.
Chichester, Lord J. L.	Lascelles, hon. W. S.
Childers, J. W.	Lagh, G. C.
Christopher, R. A.	Lemon, Sir C.
Clerk, rt. hon. Sir G.	Lewis, G. C.
Clive, H. B.	Lindsey, hon. Col.
Cole, hon. H. A.	Locke, J.
Coles, H. B.	Lockhart, W.
Conolly, T.	Mackenzie, W. F.
Corry, rt. hon. H. L.	Manners, Lord J.
Cotton, hon. W. H. S.	Masterman, J.
Cowper, hon. W. P.	Maule, rt. hon. F.
Dodd, G.	Maxwell, hon. J. P.
Duckworth, Sir J. T. B.	Morris, D.
Duncombe, hon. O.	Mulgrave, Earl of
Dundas, Adm.	Mullings, J. R.
Dundas, rt. hon. Sir D.	Murc, Col.
Ebrington, Visct.	Naas, Lord
Ellice, rt. hon. E.	Newry & Morne, Visct.
Farrer, J.	Ogle, S. C. H.
Ferguson, Sir R. A.	Paget, Lord C.
Filmer, Sir E.	Paget, Lord G.
Fitzpatrick, rt. hon. J. W.	Palmerston, Visct.
Foley, J. H. H.	Parker, J.
Forbes, W.	Patten, J. W.
Freestun, Col.	Peel, F.
Gaskell, J. M.	Portal, M.
Gooch, E. S.	Price, Sir R.
Goulburn, rt. hon. H.	Ricardo, O.
Greene, T.	Rice, E. R.
Grenfell, C. W.	Rich, H.
Grey, rt. hon. Sir G.	Romilly, Sir J.
Grogan, E.	Russell, Lord J.
Guernsey, Lord	Russell, hon. E. S.
Hallyburton, Lord J. F.	Russell, F. G. H.

Rutherford, A.	Tufnell, H.
Seymer, H. K.	Turner, G. J.
Sheil, rt. hon. R. L.	Tyrell, Sir J. T.
Shelburne, Earl of	Vane, Lord H.
Simeon, J.	Verney, Sir H.
Somerville, rt. hon. Sir W.	Vesey, hon. T.
Spooner, R.	Waddington, H. S.
Stafford, A.	Walsh, Sir J. B.
Stanford, J. F.	Watkins, Col. L.
Stanley, E.	Williamson, Sir H.
Stanton, W. II.	Wilson, J.
Stuart, H.	Wodehouse, E.
Stuart, J.	
Taylor, T. E.	
Thesiger, Sir F.	
Townley, R. G.	

## TELLERS.

Hill, Lord M.  
Grey, R. W.

*List of the NOES.*

Anstey, T. C.	Marshall, W.
Armstrong, R. B.	Martin, S.
Arundel and Surrey	Matheson, Col.
Earl of	Milner, W. M. E.
Bass, M. T.	Milton, Visct.
Blake, M. J.	Mitchell, T. A.
Bouverie, hon. E. P.	Monsell, W.
Brotherton, J.	Mowatt, F.
Brown, W.	Norreys, Sir D. J.
Bulkley, Sir R. B. W.	O'Brien, Sir T.
Bunbury, E. H.	O'Connell, M.
Caulfeild, J. M.	O'Connell, M. J.
Clay, J.	O'Flaherty, A.
Clements, hon. C. S.	Osborne, R.
Cobden, R.	Pilkington, J.
Coke, hon. E. K.	Power, Dr.
Collins, W.	Power, N.
Dashwood, Sir G. H.	Rawdon, Col.
Dawson, hon. T. V.	Rendlesham, Lord
Devereux, J. T.	Roebuck, J. A.
Duncan, G.	Sadleir, J.
Dunne, Col.	Salwey, Col.
Ellis, J.	Scholefield, W.
Evans, J.	Scrope, G. P.
Fagan, W.	Scully, F.
Fagan, J.	Smith, J. B.
Forster, M.	Spearman, H. J.
Fortescue, hon. J. W.	Stuart, Lord J.
Fox, R. M.	Sullivan, M.
French, F.	Talbot, J. H.
Glyn, G. C.	Tancred, H. W.
Grace, O. D. J.	Tenison, E. K.
Grattan, H.	Tennent, R. J.
Greene, J.	Thicknesse, R. A.
Grenfell, C. P.	Thompson, Col.
Harcastle, J. A.	Thornely, T.
Hastie, A.	Trelawny, J. S.
Henry, A.	Walmsley, Sir J.
Heyworth, L.	Wawn, J. T.
Hodges, T. T.	Willecox, B. M.
Howard, hon. C. W. G.	Williams, J.
Jackson, W.	Wilson, M.
Keating, R.	Wood, W. P.
Kershaw, J.	Wyld, J.
M'Cullagh, W. T.	
Meagher, T.	
Mahon, The O'Gorman	

## TELLERS.

Reynolds, G.  
Adair, R. S.

MR. GROGAN then moved, that in the first line of page 4, after the words "Poor-rates," there be inserted the words "Grand Jury Cess and Police-rate." He moved this, on the principle laid down by the noble Lord at the head of the Government,

of assimilating the qualification in Ireland to that of England, inasmuch as the poor-rate in the latter country included taxes analogous to those the payment of which he proposed to make indispensable.

MR. FORBES objected to going further, as it was now within a few minutes to One, and moved that the Chairman do now report progress.

LORD J. RUSSELL hoped the Committee would not refuse to go on till they had finished the clause. With regard to the proposition before the House, he did not think that it would be any improvement, as it would add to the number of taxes which the voter must pay; and it was desirable that he should pay them, if possible, in one amount.

Amendment withdrawn.

Clause agreed to.

Committee report progress; to sit again on Monday next.

The House was adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

*Tuesday, March 5, 1850.*

MINUTES.] PUBLIC BILLS.—2<sup>d</sup> Commons Inclosure.

*Reported.*—Railways Abandonment.

## ABUSES IN EMIGRANT SHIPS.

The EARL of MOUNTCASHELL moved that an humble address be presented to Her Majesty for—

"1. A return of all papers connected with the *Earl Grey* emigrant ship, in order to embrace the despatches of the Lieutenant Governor of Sydney, with their enclosures; and the report of the Emigration Committee therein referred to. 2. The communication from Earl Grey to his Excellency the Lord Lieutenant. 3. The evidence and report of Mr. Otway, Poor Law Inspector. 4. All correspondence from his Excellency the Lord Lieutenant addressed to Earl Grey. 5. The reports of the Emigration Commissioners addressed to Earl Grey. 6. The reports of the Poor Law Inspectors, Otway and Senior, on this subject, with their marginal notes. 7. Copies of letters from the Poor Law Commissioners to the Belfast Board of Guardians, with all other correspondence on the subject."

The noble Earl then observed, that in consequence of what had fallen from the noble Secretary for the Colonial Department on a former evening in reference to certain orphans who had been sent from Belfast to the Australian colonies, he had been induced to bring forward this Motion. The noble Earl, in his speech on that occasion, had brought certain specific charges against

the guardians of the poor of the Belfast union. Those charges having got into print had been taken up by the board of guardians of that union, and they had passed, in consequence, three resolutions, which he had no occasion to read to their Lordships, denying the accuracy of the noble Earl's statement. His Motion could not, in common fairness, be resisted; and the papers, therefore, must be produced.

EARL GREY replied, that it was most desirable that all the documents connected with the question should be in their Lordships' hands. Indeed, he should not have referred to the case at all had he not been under the impression that the documents in connexion with it had been at the time in their Lordships' hands. He found, however, upon inquiry, that although they were being prepared, they had not yet been actually delivered. But as he now held in his hand a proof of the documents, and as they would be forthwith laid upon the table, he presumed that the noble Earl would not think it necessary to press his Motion. As to the board of guardians alluded to, he had to state that it was not the Belfast board of guardians to which he had referred, as having been guilty of the substitution of emigrants then in question. What he had stated was, that abuses had arisen as regarded orphans sent from Belfast, but he did not mention the Belfast board of guardians at all. As it had happened, however, the selection made by the Belfast board had turned out very unsatisfactorily. He might, while upon this subject, add that since the resumption of emigration, the arrival of no less than 147 emigrant ships had been reported, on board of which vessels 29,847 persons had been conveyed to Australia, and out of that large number there had happened upon the voyage only 480 deaths. Now, upon a voyage of the length of that in question, unless great order had been preserved, and the best precaution taken, a great deal of sickness and mortality must necessarily have prevailed; but the fact that during a four months' passage crossing the tropics only  $\frac{1}{2}$  per cent of the whole number of emigrants had perished, was to his mind a conclusive proof that the system had been well conducted. As regarded the conduct of officers of emigrant ships, a very great majority of the surgeons sent out had had the highest testimony borne to their character by the colonial authorities, after their arrival in Australia. There were a few, and very few cases indeed, of mis-

conduct; and there were also a certain number of instances in which it was stated that the surgeon had displayed a lack of the requisite energy for the conduct of such a charge. But he repeated that the instances of misconduct were very few. He could assure the noble Earl that many of the complaints made relative to emigration vessels had been proved in the colony to be quite unfounded. He believed, that with respect to the emigrant trade in general, the way in which it had been carried on was honourable not only to the individuals engaged in it, but to the country at large.

The EARL of MOUNTCASHELL said, that he would in a few days give the noble Lord an opportunity of proving the assertion which he had just made. The more he inquired into the conduct of persons in emigrant ships, the more abominable it appeared to be. He had now to withdraw his Motion for the returns to which he had alluded, but he gave notice that on Friday next he would move for certain documents connected with the penalties exacted from the owners and officers of emigrant ships.

EARL GREY said, that as the subject was to be further discussed on a future day, he purposely abstained from offering any observation in confirmation of the observations which he had already offered to their Lordships. He might, however, be permitted to inform their Lordships that in one case where misconduct on the part of the captain and officers had been proved, the captain and officers had been deprived of the gratuities to which they would have been otherwise entitled, and the owners of the vessels had been fined 500*l*. He was bound in common fairness to say, that though on a former occasion he had not named the board of guardians to which he had been alluding, it was the board of guardians for the Dungannon union.

The EARL of MOUNTCASHELL observed that in the case of the vessel to which Earl Grey had alluded the doctor had received a gratuity of 100*l*., although all the other officers had been mulcted of their gratuities, and the owners had been fined. Now the doctor in that ship had misconducted himself; and where a man had been guilty of gross misconduct he ought not to receive even a farthing as a gratuity.

Motion withdrawn.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, March 5, 1850.*

MINUTES.] NEW MEMBER SWORN.—For Canterbury, Frederick Romilly, Esq.

## WESTERN AUSTRALIA.

SIR W. MOLESWORTH said, he wished to repeat the question which he had put to the hon. and learned Gentleman the Attorney General a short time previously, of which ample notice had been given, and to which he thought the hon. and learned Gentleman ought to have distinctly answered. The question he had put then, and repeated now, amounted to this: whether the persons appointed by Her Majesty to make laws for the colony of Western Australia can at present legally levy taxes on the inhabitants or property of that colony?

The ATTORNEY GENERAL said, the hon. Baronet had certainly given notice to the hon. Under Secretary for the Colonies that he meant to put some questions, but whether the question as now put was one of them, he (the Attorney General) knew not. But of this question he had not had ample notice. The hon. Baronet seemed to think that it ought to have been answered distinctly and at once; but it was doubtful whether he (the Attorney General) was bound in all cases to answer on points of law, and without being afforded time for reference. He should have answered it last night, but that it had been repeated in a form which led him to believe there was more in it than might have been at first supposed. He had now again considered the question, and he would give it a short answer. He was of opinion that the persons appointed by Her Majesty to make laws for the colony of Western Australia could at present legally levy taxes on the inhabitants or property of that colony.

SIR W. MOLESWORTH said, that he had given ample notice of his question to the hon. Under Secretary for the Colonies, and that hon. Gentleman had desired him to put it to the hon. and learned Attorney General. He now wished to ask whether the hon. and learned Gentleman was of opinion that, under the Act relative to Western Australia which had expired, Parliament had vested in the Crown the permanent power of legislating and of levying taxes, of which the Crown could not be deprived without consent.

The ATTORNEY GENERAL said,

the question must be put in writing before he answered it.

MR. ADDERLEY desired to call the attention of the hon. and learned Gentleman to the portion of the Act in question referring to the continuance of that statute. If it expired, what was to be the state of the law? Its continuance and its expiration were matters clearly contemplated by the framers of the Act, and he wished to know how the hon. and learned Gentleman reconciled the words regarding its continuance with the opinion that he had just pronounced?

The ATTORNEY GENERAL said, that this question also must be reduced to writing before he answered it. He did not conceive himself bound to reply at once to every query that might be asked touching Acts of Parliament.

Subject dropped.

## REGIMENTAL BENEFIT SOCIETIES.

COLONEL CHATTERTON begged to ask the right hon. Gentleman the Secretary at War if a fund, called the St. Patrick's Fund, in the 4th Royal Irish Dragoon Guards, had been arranged; and if so, if he had any objection to lay on the table the particulars of that arrangement, and how the sum of 3,000*l.* and upwards, belonging to that fund, had been divided and disposed of?

MR. F. MAULE said, that, with reference to this and other funds in certain regiments of the line, the House would recollect that an Act of Parliament had been passed last year, appointing a commission, consisting of the Secretary at War, the Secretary of the Treasury, and the Secretary of the Commander-in-chief, to examine into the nature of those funds, into their amount, and to settle in an equitable manner the way in which they should be distributed amongst those presently entitled to their advantage. That commission had lately met; they had revised the various funds of the benefit societies, and, among the rest, the fund belonging to the 4th Royal Irish Dragoon Guards. They had arranged the mode of distributing all those funds equitably among those entitled to claim anything from them, and as soon as their report should have been adjusted, and put in form, they would have no objection to lay it on the table of the House, whereby the public would know the mode in which it was proposed to distribute those benefit funds. He might add that, from the nature of the Act of Parliament, and the in-



structions from the Commander-in-chief, no benefit society of any kind would be permitted to exist in future in any regiment of the line.

#### WORKING CLASSES.

MR. SLANEY rose to move the appointment of a Committee to report on practical plans for the improvement of the working classes. He should in the first instance refer to the reports of commissions on the state of the poor of this country in 1817, 1819, 1824, 1830, and 1834, many of which dwelt upon those remediable abuses which interfered with the moral and physical improvement of the working and poorer classes. He would ask hon. Members opposite whether a peasant of unblemished character and industrious habits were not an exception to the general rule if he had any prospect before him at seventy years of age, except that of becoming an almoner on the parish bounty? If his wife lived with him, and brought up a family in industry and respectability, had she any chance, on the death of her husband, or on his inability to work, except becoming a recipient of parish relief? Well, was this the condition in which the industrious agricultural classes should remain? He would now turn to the large class of persons engaged in towns, in mines, and in great cities, and what was their condition, as it had appeared from reports laid before the House, and resting upon the evidence of commissioners and of committees appointed by that House, who were fair and impartial witnesses to the facts they related. During the last fifty years the increase of working men in towns had doubled the number of residents in rural districts. In 1838 a poor-law report drew attention to their condition, which was followed in 1839 by a further account of the sufferings of the poorer classes. In 1840 a commission was granted for the purpose of investigating the condition of the inhabitants of great towns. The result of their inquiries showed that evils of the most afflicting nature prevailed regarding the health and comfort of the poor in large cities. In 1842 the report of Mr. Chadwick fortified that of the commission, and in 1843 a commission was appointed by the right hon. Baronet the Member for Tamworth to inquire into these matters. In 1844 the first report of that commission was issued, and in 1845 a second report appeared, both of which demonstrated gross neglect in large towns of all regulations

for the health and comfort of the working classes. In 1845 further proofs were obtained of the extensive injury to the public health arising from causes capable of removal. In 1840 the Children's Employment Commission reported that in the great majority of instances the places of work were defective in ventilation, in cleanliness, and that nothing had been done to provide innocent amusement and healthful recreation to the children employed in factories, the consequence being, that their moral and physical health were alike injured; they were stunted in growth, pale, and sickly. This state of things remained to the present day. The summary of the report of the Children's Employment Commission was, that in a large portion of the kingdom the moral condition of the children was lamentably low, and that no means appeared to exist of effecting any improvement in the physical or moral condition of the young children employed in factories. That report was made in January, 1843, and since that period nothing effectual had been done. Another numerous body consisted of nearly 600,000 handloom weavers, dispersed through different parts of the country. They were reported to be, as a body, in a state of distress, and the only hope of improving their condition was, that they should betake themselves to other avocations, wherever practicable, and use as much economy and forethought as possible, when wages were good. There were also 600,000 railway labourers at work in different parts of the country, for whose comfort and means of living no provision was made, and who were compelled to live in close and unwholesome dwellings. What had been the effect of this neglect on the part of the Legislature? That there had been an immense increase of crime, pauperism, disease, and discontent throughout the country, and an excessive mortality among the humbler classes, whose expectation of life was in some towns only twenty years, while that of the upper and middle classes was thirty-seven and twenty-seven years respectively. The illness from preventible causes was doubled, and it was proved that for every person among the working classes who died three were ill, and their illness extended over a period of six weeks. Crime had also increased in a rapid ratio. The committals in England and Wales in 1805 was 4,600; in 1815, it was 7,800; in 1821, 16,500; in 1831, 19,600; in 1841, 27,000 and upwards; in 1847, 28,800; and in 1848,

30,300. So that the commitments had increased six times as fast as the population of the country, notwithstanding all the improvements that had been in progress amongst the upper classes. Now, he wished a deliberative Committee to be appointed, to consider what had prevented the humbler classes from reaping a fair share in these improvements. In Ireland the commitments were 21,000 in 1842; and in 1848, 38,000; but he would not lay any stress on the case of Ireland, because it had been affected by peculiar circumstances. But take the number of summary convictions. In 1837, in England and Wales, they were 14,800; in 1845, 35,700; showing that they had advanced much faster than the population, and giving an index of what must be the state of great bodies of the working classes. A return of the prisoners brought before the justices in the second seaport of the kingdom showed that the number in 1840 was 17,400; in 1845, 16,000; in 1847, 19,000; and in 1848, 22,000. The commitments at the same place were, in 1845, 3,800; in 1846, 4,700; in 1847, 6,500; in 1848, 7,700. In London, the capital of the country, what was the state of these statistics? In 1828 the commitments numbered 3,200; in 1840, 4,000; in 1844, 4,300; in 1846, 5,100; in 1847, 5,900. Now, contrast this with the crime of France. In France, in 1825, the commitments were 7,000; in 1835, 6,900; and in 1845 about the same number. So that whilst crime increased three times as fast as the population in this country, offences of a graver nature remained almost stationary in the neighbouring kingdom. Now, it might be thought that this increase was confined to populous cities; but it could be shown, by most accurate accounts, that from 1806 to 1841, in six agricultural counties, with an increase of the population of 55 per cent, the increase of crime was equal to that of six manufacturing counties, with an increase of 92 per cent in the population. He had made a short calculation of the cost entailed on the country by neglecting the welfare and improvement of these numerous classes. A Government commission had estimated the cost of crime in Liverpool preparatory to the establishment of the police force, and its cost to the community. This statement was subsequently investigated by a Committee of that House, which declared it to be rather understated than exaggerated. Taking that, with due allowances, as a criterion of the cost of

crime throughout the country, he ventured to say the annual cost of crime was not less than 11,000,000*l.* The cost of poor-rates in 1847 was 5,400,000*l.*; in 1848, it had increased between 10 and 15 per cent over the previous year. The expense of hospitals for preventible illness among the neglected classes was 5,400,000*l.* also. The cost of the police, gaols, transportation, and penitentiaries, was 1,500,000*l.* The cost of preventible illness among working men, independently of hospitals and infirmaries, was not less than 2,000,000*l.* more. On the whole, he calculated that crime, poor-rates, subscriptions to hospitals, loss of time, and other cognate causes, which would be greatly diminished by measures for the improvement of the working classes, cost the country no less than 27,500,000*l.* yearly. This was only for England and Wales; and if we added the fair proportion for Ireland and Scotland, the total would be no less than 40,000,000*l.* per annum. Now, the condition of the great body of the people had never yet been looked into by the Government; all that had been done in that direction had been accomplished by the unassisted efforts of private Members; but he believed it was daily becoming the opinion of mankind at large, that it was the duty as it was the interest of the Government to take up this great question, and provide, first, instruction for the children of the large masses of the people; next, protection for their health; and, thirdly, to give them fair play and reasonable facilities to aid their forethought and stimulate their industry. Now, he asked for no more than this, and less than this would not be justice. If we had had a department of the State—a standing commission, chosen irrespective of party motives from each side of the House—to inquire what practical measures could be devised for the improvement of the working classes, to protect them from fraud, and give them the same advantages as were afforded to other classes; long before this he believed remedies would have been discovered and applied for the great social evils to which he had alluded. He would briefly exemplify his meaning. In 1830 it was proved before a Committee on manufacturing employment, that in the three great trades of England—the cotton, woollen, and hardware trades—there were three different grades of workmen in each trade; and that in each grade of workmen, in all these trades, the wages were amply sufficient, for their comfort and support, if the men

had only the means of duly spreading them over a given period of seven years. But it was utterly impossible for them to do this, because they had no means of ensuring themselves, from the abundance of work and high wages of one period, against the want of work and wages at another period. Now, he said it would be a practical measure to consider how this might be effected. A Bill to secure this desideratum, by the extension of the Benefit Society Act, had passed through that House; but it was afterwards found that it contained words liable to technical objections; and up to this hour the working classes had no power to associate in order to provide against these constantly recurring calamities. With regard to sickness, benefit societies entirely confined their relief to the artisan himself; but no society existed to relieve him when any member of his family was afflicted, or to ensure himself or his wife a small annuity that would maintain them in independence when they were past labour. They had lately had their attention directed to the miserable condition of a number of poor women who could find no employment in this great metropolis; and the generous interposition of the right hon. Member for South Wiltshire had called forth public sympathy and aid towards that noble subscription which had assisted in relieving the sorrows of some of that depressed class. He had contributed his humble mite towards that effort, and rejoiced to think that it had been in some measure successful; but let hon. Gentlemen remember that the distress of the needlewomen was but a symptom and not a cause—a symptom of the great excess in the supply of labourers in proportion to the demand which prevailed, not in one kind of employment only, but in almost all the varied trades of the country. So that taking a few persons from this country and placing them in another, was only like removing one drop of water from the ocean, where its place would be immediately filled up again. The Government should turn its attention to how the supply of labour should be adjusted to the demand, the solution of which would do far more for the working classes than any amount of charity. An admirable work on the moral statistics of this country showed most clearly and distinctly that in those neglected districts where gross ignorance and defective sanitary arrangements most prevailed, there the greatest number of improvident marriages and illegitimate chil-

dren were invariably found. And was this the fault of these neglected poor people? No, it was the fault of that House, and of the great opulent classes who had benefited by the industry of the labourer, and neglected him in his hour of necessity. He hoped, however, they would speedily change their policy; and, instead of spending immense sums in gaols, penitentiaries, and workhouses, turn to remedial processes, that would commence by instructing the young, and saving them from contamination. Where did we provide a safe investment for the humble gains of the industrial classes? He might be answered—in the savings banks. Now, although the extent to which savings banks had been resorted to showed how eager the people were to embrace any means of providing against misfortune, yet in many rural districts they were hardly known. But suppose an artisan saved 60*l.* or 100*l.*, that amount was not receivable at a savings bank. Talk about an investment in the funds—the working classes knew not what it was; and, besides, the funds were liable to fluctuation. But what the humble working man most of all desired, after a long life of thrift and industry, was to see a little bit of land that he could call his own; but the legal difficulties and expense of title and conveyance deprived him of all chance of enjoying such a prospect.

Motion made, and Question proposed—

“That it is the opinion of this House, that a Standing Committee or unpaid Commission should be appointed, to consider and report on practical plans (not connected with political changes) for the social improvement of the working and poorer classes.”

MR. TRELAWNY said, it was impossible not to feel that this Motion had been brought forward from motives of benevolence; but he should oppose it on this ground, that he was afraid it would tend to disappoint the expectations of the working classes. He valued the working classes as much as any Member in that House; the more he had known them the more he had admired them, and the more he had felt disposed to extend the franchise. At the same time he would not be a party to practising a deception upon them; and he thought such a measure as this would have no other effect than that of deception. The hon. Member for Shrewsbury talked of interfering in all sorts of cases wherever misery existed. If that meant anything, it meant that as soon as a grievance existed, the Legislature should interfere. But the

hon. Gentleman did not give them anything like a plan to remove these great grievances. He told them there were three things they might do; they might educate, they might give health, and they might stimulate industry. With regard to education, the hon. Member told them it had always been the work of some private Member of the House to introduce measures. Now, so far from that being the case, during the time he (Mr. Trelawny) had been a Member of the House, the right hon. Baronet the Member for Tamworth had brought in a measure to promote education. Again, the present Government had brought in a measure for education, which was already working efficaciously. With regard to health, it was also true that there were parish doctors in various parts of the country, and the poor, in cases of illness, could have medical aid. The hon. Member for Shrewsbury begged the whole question in making it a function of the Government. [Mr. SLANEY: I never said that; I spoke only of remedial measures.] It amounted to the same thing. He (Mr. Trelawny) was one of those that wished the people not to depend upon Government. He wished them, by means of their own savings, to provide a sum for their own wants; and if they claimed an extension of the franchise he was one of those who would readily accede to it. He did not think the working classes were in the habit of putting forward claims of this sort. The hon. Gentleman the Member for Shrewsbury told them Government ought to bring in an Act of Parliament to give the poorer classes forethought. [Mr. SLANEY: No, I said nothing of the kind.] He (Mr. Trelawny) did not mean to say that the hon. Gentleman said a Bill should be brought in to give the working classes forethought, but that was the tendency of his remark. It came to precisely the same thing. It was getting the working classes into a habit of thinking that those things would be done for them which could only be done by themselves. There was one thing in which the Government had interfered, and that was in the corn laws, which were repealed for the benefit of the working classes. He would not go into the question of the policy of the corn laws, but it must be admitted that the practical effect of repealing the corn laws was voting a sum from the higher classes to the lower. It might be said that it was originally taken from the poor. That he was ready to admit; but when the measure was passed, it

was practically taking from the rich and giving to the poor.

SIR G. GREY said, he was fully convinced of the benevolent motives which had induced the hon. Member for Shrewsbury to bring forward this Motion. He was bound also to testify, from private communications he had had with the hon. Member on this subject, to the liberality of his intentions with regard to defraying any expense which might be incurred in the plan he had proposed for improving the condition of the working classes. The hon. Gentleman had given ample proofs of his readiness to devote his time, attention, and property, to that great object. But he did not think that the measure he had propounded to the House would be a practical plan. The proposal itself was very vague and indefinite; and, after listening with great attention to the hon. Gentleman's statement, he had been unable to ascertain what was the precise nature of the duties which he proposed to devolve on this Standing Committee, or unpaid Commission. He presumed that by a Standing Committee was meant a Committee of this House to act continuously during the recess; or if a commission, that it should be selected by the Crown from the various parties in that House, without any exclusive political complexion—that it should not be an exclusive body in any sense, and should merely receive suggestions with regard to the improvement of the working classes, and consider any plans that might originate with others for that object—an object most important in itself, but which he thought would not be promoted by the proposal of the hon. Gentleman. It would lead to the collection of a large number of blue books, whereby Parliament would be overwhelmed with information of which they were in possession of a great deal at the present moment, and would be no better able than now to remove the causes of distress which might be proved to exist. The hon. Gentleman appeared to him to be wrong in supposing that Parliament had the power of removing many of the causes of those evils which he had enumerated. He proposed that the body whom he would constitute should consult as to public health, education, industry, crime, emigration, and the poor laws; and he presumed they would have to recommend any changes which might be deemed expedient in the laws affecting these subjects. Was it possible that a Committee of five or six gentlemen,



taken from the different parties in that House, could, with any practical benefit to the public, devote so much of their time to the consideration of extensive changes of the law on these subjects as their importance required? The very instances which the hon. Gentleman had brought forward, in which, through the exertions of individual Members of that House, great and important changes had been made, showed that it was not necessary that there should be any Standing Committee or unpaid commission of the kind proposed; but that we happily lived in a time when the obligation and duty were generally felt of attending to measures which were calculated to promote the social improvement of the working and poorer classes. There was much force in the objection taken by the hon. Member for Tavistock as to the undefined expectations of great legislative changes, which would be excited in the working classes, by the appointment of such a Committee or Commission. With regard to some of the objects, means were already provided, as far as could be done by the Legislature, for their attainment. There was now a board of health, which combined with its deliberative functions the executive powers that had been confided to it by Parliament, and which he believed had been exercised with benefit to all classes of the community. The hon. Member for Shrewsbury proposed that this Committee should be altogether excluded from considering any measures connected with political changes. How the line was to be drawn, he confessed he could not see. Many of the subjects which the hon. Gentleman had alluded to were political questions; and it was absolutely impossible to draw the distinction, unless by political measures were meant only those affecting the composition of Parliament, or the exercise of the franchise. With so small a limitation as that, and regarding the vast range of other subjects which legislation embraced, and which would be confided to the consideration of the Committee, he thought it would be absolutely unable to perform its functions with any advantage to the public; and he feared that great evil would arise from the indefinite expectation of legislative measures, which would rather lead people away from the use of those means which they might employ with effect for the amelioration of the condition of the working classes. He was far from saying that Parliament ought not, by legislation, to encourage habits of prudence and in-

dustry, as was done by Acts relating to savings' banks, and other subjects, with great advantage; but Parliament could do but little directly with this object. He hoped his hon. Friend would not press his Motion to a division; as in that case, while giving him full credit for the benevolence of his views, and admitting the importance of the subject, but differing from him in the means which he proposed for attaining the end, he should be obliged to vote against it.

MR. SOTHERON thought that his hon. Friend the Member for Shrewsbury deserved great credit for the perseverance with which he had endeavoured to induce the House to attend to a subject which was most deserving of their notice; but it was a question whether the objects he contemplated could not be better effected by the private combination of benevolent gentlemen. He quite agreed with many of the points mentioned by his hon. Friend, and could bear this testimony in his favour. Last year he (Mr. Sotheron) was a Member of a Committee, and there was scarcely any person conversant with the affairs of friendly societies brought before them who did not recommend the formation, not of a tribunal, but of a union of competent persons, who would give the best advice as to the best mode of settling disputes in those societies. If his hon. Friend would only turn his mind to devise some means by which an association could be formed, through means of which persons in the country, who had no other means of getting advice, could obtain information, it would be very desirable.

MR. HUME did not think the object of his hon. Friend the Member for Shrewsbury could be carried out by any Committee that could be proposed; but for the establishment of a benevolent society an excellent precedent would be found in the one established by Sir John Barnard, a full explanation of the principles of which was to be had, along with the rules, in the library. The improving the condition of the working classes could not be so well attained by a Parliamentary Committee, as by an association of benevolent individuals.

MR. M. MILNES would suggest that this commission would have the effect of enabling a Government to cast from its shoulders its responsibility, instead of exciting it to what it should be continually excited, namely, the remembrance that it was the first duty of a constitutional Government to consider how far it was pos-

sible for the Executive to advance the charitable and wise intentions of every man at both sides of the House, and of the citizens generally, with regard to the improvement of the social habits of the people. It was the imperative duty not only of this Government, but of all Governments, to assist the Members of that House and the citizens generally in attempting in some degree to remedy the enormous social evils that pressed upon the country. It was the belief of the lower classes of the country that the upper classes were not careless about their grievances, and it was to that conviction they owed the general and permanent peace and order of the community, which was particularly apparent when contrasted with the conduct of the people of many other portions of the civilised world. He trusted his hon. Friend would not be discouraged by the way in which his Motion was received on this occasion, and he hoped that on future occasions he would continue to urge upon the Government the great duty of giving to such exertions all the assistance they could. He did not participate in the fears of his hon. Friend, that the people would look to the Government as their great stay in all cases, for it must be recollected that the progress of the country had mainly arisen from the development of the individual character of the people. There were several matters in which the Executive might interfere most usefully. He would take, for instance, those cases where in great cities there was a destruction of the dwellings of the poor to make way for improvements. They had seen streets of palaces built, while the poor were driven away to some distant corner, and no attempt was made, by the building of lodging houses fit for their accommodation, to remedy this evil. That was one instance amongst many which it would be well for the Government to remember; and in all cases where the Executive interfered, they were above all things bound to keep in mind that it was their duty to omit no possible opportunity of remedying the great social evils which the enormously crowded state of a city pressed upon them. He entreated of the Government to lose no opportunity of earning the praise and gratitude of the people by attending, even in the slightest degree, to those matters which affect their social condition.

MR. H. A. HERBERT must take that opportunity of calling the attention of the

noble Lord at the head of the Government to one or two words which fell from the hon. Member for Shrewsbury on the subject of savings banks. He had in his possession a petition on the subject, which he would present to the House if the hon. Member for Rochdale did not shortly appear in his place, signed by 3,000 persons in the town of Rochdale. Those 3,000 persons, together with a number of individuals connected with friendly societies, had sustained an enormous loss by reason of the failure of one of those institutions which they had been led to believe they might look to with confidence as one of the institutions of the country. If the people were allowed to think that those institutions were under the management of Government, and if then they were suddenly told that the savings of a whole life of industry were to be swept away by them, no greater blow could be given to those habits which it was their duty to encourage. As the subject had been mentioned, he had taken the opportunity of calling the attention of the noble Lord to the subject, and he would ask him whether it was not right, while the Government provided for the future, that they should take into consideration the condition of those parties, and others similarly situated, who had suffered from the past. He did not know what was the intention of the Government with respect to the Bill relating to savings banks, but he hoped that some system would be adopted to give to those people what they had a right to demand. Let them either have Government security, or let them inform the people that Government had nothing whatever to do with those establishments. The Government had for a series of years just interfered so far as to foster the idea amongst the working classes that they had Government security; but when they came to look into the Act of Parliament it was found they had not that security, and as the Government had taken away the security that formerly existed from the trustees of those establishments, it was obviously their duty to take care that no such occurrences should take place in future, and he thought the parties who had sustained a loss had strong claims on the Government for compensation for the past.

MR. CAMPBELL said, that while his noble Friend at the head of the Government was reflecting on the observations which had been just addressed to him with regard to savings banks, he was anxious

to make some remarks upon the Motion. He was anxious to do this, because he intended to oppose the Motion on grounds not entirely identical, although very far from being conflicting, with those on which it was opposed by his right hon. Friend the Secretary for the Home Department. His (Mr. Campbell's) argument was twofold, and suggested by the terms in which the Motion was presented to them. They were asked to constitute an unpaid commission to conduct a very large inquiry, and to promote an object of immense importance. He did not think that an unpaid commission would be equal to the duties which the hon. Gentleman the Member for Shrewsbury desired to devolve upon it, or sufficient for the ends to which it was now proposed to render it subservient. A useful and magnificent inquiry had recently been instituted by the conductors of the *Morning Chronicle* into the social circumstances and condition of the working classes. It had been remarkably effective. The House of Commons was familiar with it. It had been the salient feature and the striking topic of the autumn. It had, in his opinion, so influenced the public mind as nearly to arrest the democratic and resuscitate the social movement of the country. Did any one suppose that so vast, so vivid, and so substantial a collection of data on the habits and the circumstances of the working classes, could in the nature of things be accomplished by an unpaid commission? An unpaid commission, he contended, would do no sort of justice to the case, by which the hon. Gentleman endeavoured to obtain it. He (Mr. Campbell) declined to enlarge any further upon this topic. He objected, in the next place, to the proposed exclusion of all political inquiry from the labours of the body—whether paid or unpaid—which the House was asked to call into existence. It appeared to him that an advantage of no ordinary magnitude would be secured if a commission to collect facts, and to authenticate them, on the subject of the working classes, were instructed at the same time to ascertain whether, in what manner, or to what extent, their improvement might be driven forward by the creation of new franchises among them. He desired to refer to the first speech of the noble Lord at the head of the Government in defence of the Reform Act, and in reply to the hon. Member for Montrose, delivered June 20, 1848. In that memorable speech, the noble Lord

had scattered before the House of Commons and the public his ideas of the principle on which some new franchise ought to be created. It was generally acknowledged that neither the noble Lord himself, nor any other Member of the House of Commons, nor any politician out of doors, had yet explained in what way that principle might be translated into practice, incorporated in the laws, and engrafted on the institutions of the country. In point of fact, the data were deficient; and if the principle was sound, the data ought to be acquired. A commission of effective character, and able Members, might, by means of an inquiry devoted to social objects, and not debarred from constitutional researches, acquire the materials without which the principle enunciated by the noble Lord would never be a practical discovery. He (Mr. Campbell) desired to make a further and a somewhat wider observation. Since the debate of Thursday, Feb. 28th, it seemed to be the general conviction of all reflecting politicians, that the time had not yet arrived for any change to be effected in the Reform Act. Concurrently with this conviction, it was not easy to deny that there existed something like a popular distrust and popular impatience on the subject. Would it not be, therefore, satisfactory—would it not be calculated to place the House of Commons in a good relation to the public, if the fact stood out before their notice that a process was going on of which the result would be the acquisition of facts, the accumulation of materials to provide a basis for the franchises which the noble Lord had offered—in theory at least—two years ago to the reflection of the country. He (Mr. Campbell) was bound to state—and anxious to be understood in what he then stated—that he did not come down to that House to-night in order to initiate a proposition, or propound a scheme. Inasmuch, however, as a Motion to constitute an unpaid commission, from which all political inquiry was to be kept apart, might preclude any Member whose position warranted the step from suggesting a commission of such a kind as he had ventured to delineate—inasmuch as it was possible that a commission of that sort might be the means of strengthening, and at the same time of amending the Reform Bill, of averting crude change, of accelerating ripe and permanent correction—he would be compelled, like his right hon. Friend the Secretary for the Home Department, to meet this Mo-

tion with a clear but also a reluctant negative.

MR. STANFORD took a great interest in the social welfare of the working classes, but thought it was impossible for any individual Member of the House to bring forward with success any measure for their benefit; if, however, he came down to the House backed by the voice of a public body, his recommendation would be attended to. As a proof of the truth of what he asserted, he might refer to what had been done with respect to the baths and washhouses and model lodginghouses. If any individual Member brought forward measures of that kind he could not obtain a patient hearing—at least they must think so, if they were to judge of the way in which the hon. Member for Shrewsbury had been listened to, though his speech expressed as sincere a desire for the welfare of the working classes as he had ever seen evinced in that House. He thought that an hon. Gentleman who had devoted so much of his time to the subject should be listened to with greater attention, particularly when they heard debates carried on for ten hours on speculative questions, which, even if carried into effect, could confer little or no benefit on the working classes. He thought that an hon. Member who got up for the purpose of discussing a social question ought to be treated with more respect, and he drew from it the deduction that there was a necessity for an unpaid commission. There was a variety of questions that could be brought before such an unpaid commission. If gentlemen could be found who would be sufficiently philanthropic to devote their time to it, what objection could there be made to it? If the Government were really sincere in their desire to alleviate the moral and material condition of the people, would it not be of considerable importance to have the assistance of such an auxiliary who would come down to them with reports framed to act upon and take into consideration. If the Motion was pressed to a division, he should support it.

LORD R. GROSVENOR expressed his thanks to the hon. Member for Shrewsbury for having performed the unavailing task which he had undertaken. It was a Motion less open to the usual objection made to propositions of this kind, viz. that it would encourage unfounded hopes on the part of the working classes, than any he had ever known. He (Lord R. Grosvenor) did not intend charging the

House, or the present or any preceding Government, with being peculiarly hard-hearted in resisting, or in giving a reluctant hearing to Motions of this description; but of this he was quite sure, that the oftener the fact was stated in that House that the working classes were at the present moment suffering under the greatest evils, the better it would be for them. After what had been stated in the report of the commission of inquiry into the sanitary condition of the various towns in this country, and after the report of the commission appointed to inquire into the state of the labouring women and children in mines, he felt convinced of the necessity of a commission such as had been suggested by the hon. Member for Shrewsbury to point out the practical mode by which those and other evils affecting the working classes might be remedied and removed. He felt all the difficulty of appointing such a commission; but no Session should be allowed to pass without some report on the state of the working classes, emanating from a commission to that House, and from that House to the country. One objection to the Motion was that it was too general, and that the number of subjects it embraced were too numerous. Now, he really hoped that when hon. Members should at any time come forward and state special grievances, and bring forward remedies for them, the House would not reject those remedies on the same fanciful grounds as those on which the present Motion had been met.

MR. SLANEY said, that after the kind feeling which had been evinced towards him during the debate, and the kind manner in which he had been alluded to by the right Baronet the Secretary of State for the Home Department, he felt that under all the circumstances of the case, he should not be doing justice to the cause which he had humbly endeavoured to advocate, if he were to press his Motion to a division. He hoped, however, that the subject which he had brought before the House would sink into the minds of many hon. Members who had never before paid attention to them. He would merely venture to say, that there were three points which might serve as barometers of the state and condition of the working classes; the progress of mortality as compared with population; the increase of the poor-rates; and the proportion of criminals to the population. These three points appeared to him to speak with the loudest voice in



favour of some measure of the kind which he had proposed being adopted. He should have been happy to have left his Motion in the hands of the Government in any form which they might have thought proper; but as they had given their reasons for opposing the Motion, he would consent to withdraw it, in the sincere hope that the Government would themselves take up the subject. He had had the good fortune to bring forward Motions, some of which were met by smiles from hon. Members, but which, notwithstanding, had been subsequently carried. He thanked the House for the kindness with which it had listened to a subject which, although he considered it one of importance, many hon. Members might consider as uninteresting. The hon. Member concluded by moving for leave to withdraw his Motion.

Motion by leave withdrawn.

#### QUALIFICATION OF ELECTORS.

LORD J. RUSSELL suggested to the hon. and gallant Member for Westminster who had a notice on the paper on the subject of the qualification of Members, whether it would be advisable for him to bring it on upon the present occasion. The same subject had been brought before the House but a few days since, on the Motion of the hon. Member for Montrose, on which occasion it was fully discussed by the House, and a division come to upon the subject. There was also a Bill at present before the House with respect to the franchise in Ireland; he would therefore submit to the hon. and gallant Member that, after the debate which had so recently taken place on a similar subject, and the fact of a Bill being before the House, no public advantage would be obtained by bringing forward again a question of this kind.

SIR DE L. EVANS said, that the subject was one in which he felt a deep interest, and that interest was also shared by many hon. Members in the House, as well as by a considerable number of people out of doors. There was always considerable disadvantage to any individual Member arising from not proceeding with his notice when he had an opportunity of doing so; but as he was informed by one hon. Member of high authority in the House that the present moment was rather inopportune, and might possibly damage the object which he had at heart, he would certainly sooner incur some personal disadvantage than run the risk of doing any injury to a cause which he was anxious

to promote. Feeling, as he did, that Ireland stood more in need of Parliamentary reform than England, he would not feel justified in pressing his Motion, but would take the earliest opportunity after Easter, and the passing of the Irish Franchise Bill, to bring the matter forward.

Motion, by leave, withdrawn.

#### POSTAL COMMUNICATION BETWEEN LONDON AND PARIS.

MR. MACKINNON: Sir, it is here quite unnecessary to enter into the advantages which arise to both France and England, from a facility of communication: the mutual benefits are evident, and need not be expatiated on at present; I will, therefore, at once enter into the subject. Formerly, in days of sailing vessels, before steamboats came into general use, the communication between England and France was usually by Dover and Calais; and gradually as steamboats were used, the route to Boulogne was preferred by the public—for example, in the year 1831, about thirty-eight thousand persons went to Calais from England, and only eleven thousand to Boulogne, but in the year 1847, we find seventy-eight thousand to Boulogne, and sixteen thousand to Calais. Now, if the mass of the public preferred the route by Folkestone and Boulogne, it seems that route must be the shortest and the best, and this supposition seems confirmed by the distance saved, as appears by the following statement:—

#### COMPARISON OF THE ROUTES BY BOULOGNE AND CALAIS, AS TO DISTANCES.

It is 82 miles from London to Folkestone,	
27       "       Folkestone to Boulogne,	
169       "       Boulogne to Paris.	
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278 miles from London to Paris, by Folkestone and Boulogne.	
It is 88 miles from London to Dover,	
28       "       Dover to Boulogne,	
169       "       Boulogne to Paris.	
<hr/>	
285 miles from London to Paris, by Dover and Boulogne.	
It is 88 miles from London to Dover,	
23       "       Dover to Calais,	
235       "       Calais to Paris (by railway via Lille).	
<hr/>	
346 miles from London to Paris, by this route.	

Now, as to the time occupied in the transit. It appears, that on the 11th of December, 1849, an express of the *Times* went from London to Paris in 8½ hours; it started with the morning paper at half-past four A. M., and arrived in Paris, at one o'clock P. M. Again, on the 3rd of

January, 1850, an express through Boulogne and Folkestone reached London from Paris at 7h. 15m. A.M., having started from Paris at 8h. 30m. P.M. about eleven hours, having been detained some time on the road by peculiar circumstances: this express reached London as stated, at half-past eight o'clock, A.M.; whilst the mail which started from Paris at the same time, only reached London for letters to be delivered at four o'clock, P.M., making a difference of nearly seven hours. Now, it seems strange that the official intercourse between the two countries, should, in so short a distance, be greater by seven hours in private than in official communication: such ought not to be case. Now, as to the great question which has been stated—the difficulty of reaching the harbour of Boulogne, when a strong westerly wind was prevalent, and the greater facilities found in Calais harbour—this is not proved. It appears by the tables, that in one year, the irregularities by Calais were twenty-six, and by Boulogne thirty-two, making a difference of only six, and even these six were from causes not likely again to occur. Besides, it appears that when a strong westerly wind renders the entrance into the harbour or off the harbour of Boulogne difficult, the boat can with ease make the harbour of Calais; and no time is lost, for then you are only, as you are at present, going to Calais; whereas, if your route is always through Calais, if a strong easterly wind blows, you return in that case to Dover. As a proof that the Boulogne harbour is not unsafe, it appears that since 1843, the South Eastern Company's packets have made 4,000 voyages there and back from Folkestone without a single accident. Now, if the accelerated communication between Folkestone and Boulogne is adopted, it would appear that a day mail would be unnecessary, whereby an immense saving of expense would be gained. Added to this, it is possible to save from twenty to twenty-five thousand a year to the country by the conveyance of the mails by contract, as the South Eastern Company, it is asserted, will undertake to convey the bags for the Post Office at a saving of that sum to the public. It seems, Sir, needless for me to expatiate more at length at present on the subject, and I will only move that a Select Committee be appointed for the purpose to which I have alluded.

Motion made, and Question proposed—

“ That a Select Committee be appointed, to ascertain the most expeditious and least expensive mode of Postal Communication between London and Paris.”

MR. BROTHERTON seconded the Motion.

MR. W. COWPER said, there was no objection on the part of the Government to the appointment of the Committee moved for by the hon. Gentleman; but he did not anticipate any very great advantage from it, except that the statements which the hon. Gentleman had made would then be sifted and examined. He thought the hon. Gentleman attached too much importance to the express which he had referred to; for he believed it would appear that an express which went by the line of Calais arrived within sixteen minutes of the one on which the hon. Gentleman so much relied; but the point to be looked to in making these postal arrangements was not the question by which line they could on a particular occasion travel with the utmost rapidity; but by which line the greatest amount of certainty could be maintained through the whole year. Now, from the peculiarities of Boulogne harbour, it did appear to the Government, from their experiments of one year, that there was the greatest uncertainty and irregularity; and it was a greater evil to those receiving correspondence to receive it at at different hours than to have it regularly at a later hour. The harbour at Boulogne had such disadvantages for landing the mails, that during the period they were sent by that route the Admiralty were obliged to allow them five hours and a half between the one railway station and the other; whereas on the Calais route the time allowed was only four hours. He could only say, that as a Committee was to be appointed, it might be better to survey the whole subject; and in addition to that branch of the mail-packet service at Dover which ran through France, to consider the other branch that ran to Ostend, because there were many reasons for supposing that the mails might be sent to the north of Europe through France without any additional expense, thus merging the two lines in one, and at the same time keeping up the same amount of speed as at present.

SIR G. CLERK said, that as the Government did not oppose this Motion, it was not his intention to object to it; but it appeared to him that this question would be more satisfactorily settled by the Government themselves than it possibly could be

by a Committee. It should be determined by the principle so correctly stated by the hon. Member for Hertford, that they were not to look to a route upon which, upon any particular occasion, under special circumstances, with all preparations beforehand, they could establish a communication, but to that which, in all states of the weather and tides, they could conduct their postal communications with the greatest regularity; for whether they were to receive their letters from the Continent at an earlier or later hour in the day was of small importance compared with their receiving them regularly. The question which the hon. Gentleman the Member for Hertford had mentioned, of the mails to Belgium and the north of Europe, was a very important one, and the attention of the Committee ought to be directed to it. But, it was stated in the very able report of the Earl of Dalhousie, as chairman of the Railway Committee of the Board of Trade, it was of the greatest importance that a quick communication between London and Dover should be established. The present route from London by Reigate was most circuitous and inconvenient as a route for transmitting the mails from London to the Continent. The Board of Trade, at the time he was connected with the Government, pointed out the importance of having a direct communication between London and Dover; and the South Eastern Company proposed a scheme by which they would transmit the mails direct from London to Dover; and the Board of Trade, thinking the guarantees then offered would have secured the completion of it within a short time, gave the preference to the South Eastern Company; but five years had now passed, and nothing whatever had been done with it. A petition for the Bill was presented this year, but it was checked in its progress on the Standing Orders. He hoped the Committee would not lose sight of that important part of the subject, to see how much the means of accelerating the mails from the Continent were in our own hands, by completing a direct line from London to Dover, and which could now be done with comparative facility, whilst on the other hand they had little control over the routes on the other side of the Channel. These were matters deserving of deliberate consideration. They were not able sometimes to take the shortest lines, but must take into consideration the peculiarities of ports and harbours, and also the shortness of sea passage. He

had no doubt whatever that the port of Dover did possess facilities which had caused it at all times to be the port of departure, and the important works which had been for some time in progress when completed, would give to it the peculiar advantage, besides being a tidal harbour, of rendering it accessible at all times. He believed also that the works that had recently been carried on at Calais would enable vessels, except at very low water, to get alongside of the harbour. Those were circumstances which justified the opinion stated by the hon. Member for Hertford, that they were not to look for quickness of communication so much as to security and regularity.

MR. HUME said, that anything which would facilitate and expedite the postal communication between the two countries would be of great importance to the commercial and every other interest in the country. But he rose on the present occasion to suggest that the advantages of the penny post should be extended to the communications between this country and the colonies. He looked on the penny postage as the greatest boon which had been conferred on this country, at least since he sat in Parliament; and as they paid a certain sum to a vessel for taking out letters, it could make no difference whether it took out fifteen boxes or thirty-five.

MR. RICE said, that he did not attach much importance to the Motion of his hon. Friend the Member for Lymington, and when he had been conducting the Committee for some time, he thought the hon. Member would see reason to change the opinion which he appeared at present to entertain. His hon. Friend said that the communication would be shortened two hours. He believed it would be shown that the real difference between the two routes of communication was forty-two minutes, and not two hours. The reason why so many persons went formerly by Boulogne instead of Calais was that they avoided the three hours' journey by diligence between Calais and Boulogne. But it was different now that the railway from Calais was opened. His hon. Friend said, that during the prevalence of a south-westerly wind, if the boat could not make Boulogne, it could go to Calais, but that a boat going to Calais, and not being able to reach in consequence of a north-easterly wind, must return to Dover. Now, if a south-westerly wind would

bring a boat going to Boulogne into Calais, it was clear that a north-eastern wind would take a boat going to Calais into Boulogne, so that it need not return to Dover. Passengers might go to Boulogne because they could go when the tide answered, and in the day time; but Boulogne would not answer for boats reaching it at night, as the mails must do, because it had a steep shore, and afforded no soundings. The fact was, there had been a constant system of puffing, in the public papers, and in pamphlets, in favour of the route by Boulogne. But if they wished to shorten the transit between London and Paris, they must facilitate the making of a direct railway between London and Dover. He believed that all the landlords in the county of Kent were prepared to support such a line, and he hoped that in another Session it would be carried out.

SIR DE L. EVANS considered the subject a very important one, which should be fully investigated before a Committee, with a view to elicit further information. It was to be regretted that there existed no direct line of railway between London and Dover; but he hoped public spirit, backed by the exertions of the hon. Members for Dover, would soon establish such direct line of communication.

MR. BROTHERTON said, that although the saving of time proposed to be effected—be it two hours or only forty minutes—might be of comparatively little importance to London, it would be of great value to Manchester, Liverpool, and the other great towns in the north of England, because it would enable the Post Office to despatch letters to those places by the morning mail, which, at present, were sent by the evening mail, and were not delivered until the following morning. He rejoiced at the prospect of the appointment of a Committee by which the question would be fairly investigated.

MR. RICE said, that two hours might be saved by having an early express from Dover.

MR. MACKINNON was not surprised that the hon. Members for Dover should advocate the interests of the town which they represented, even though they clashed with those of the public. It was perhaps material the House should know that if the Government should think fit to enter into a contract with the South Eastern Company for carrying the mails, they would undertake to do so at a saving to the public of from 20,000*l.* to 25,000*l.* The Com-

mittee would be governed solely by the evidence placed before them. He was perfectly willing to make the addition to his Motion that was suggested by the hon. Member for Hertford.

Amendment proposed, at the end of the Question, to add the words, "And the Northern parts of Europe."

Question, "That those words be there added," put, and agreed to.

Main Question, as amended, put, and agreed to.

#### ADMISSION OF FREEMEN.

MR. ALDERMAN SIDNEY moved for leave to bring in a Bill to abolish the payment of fines and stamp duties on the admission of freemen into corporations. He thought it right to give some explanation of the Bill which he was then seeking to introduce. It would be in the recollection of the House that, by the 5th and 6th William IV., the Corporation Act, under the third clause all fines upon freedom were abolished, so far as regarded municipal towns and cities in England and Wales, with the exception of the metropolis of London. He was willing to acknowledge, when he first gave notice of the present Bill, it was more with regard to London itself; but, on submitting it to inspection, hon. Gentlemen on the Ministerial bench were kind enough to inform him it came under the denomination of a private Bill. He, therefore, enlarged his notice, and included all the municipal cities of England and Wales; and he rejoiced at having done so, because great injustice was being enacted to a large portion of the electors of this country by the present system. He asked the House to consider the privileges burgesses enjoyed. Every person who served an apprenticeship was compellable to be enrolled by the town clerk. The fines on that enrolment were very serious, amounting from 6*s.* to 38*s.* and 40*s.*, and that merely for servitude. He asked the House to consider was that a matter of justice to those persons, many of whom were extremely poor, after having served an apprenticeship to an humble calling, to be required, on attaining their majority, to pay for enrolment some 38*s.* or 40*s.*? He had heard in that House many denunciations of the corruption of the old burgesses connected with the boroughs. But there could be no doubt whatever, if they charged persons 38*s.* and 40*s.* for their freedom by way of enrolment, they taught them in effect the way to sell their votes, as well



as to purchase their freedom. He had no hesitation whatever in saying, that it was owing to that system the old burgesses were called the corrupt burgesses, and said to be purchaseable. The Municipal Act had abolished all fines upon residence in every city with the exception of London; and it was most unjust and impolitic not to have included London also. In London the lowest and poorest persons who got into business—whether retail shopkeeper, tailor, greengrocer, or publican—all were alike compellable to take out their freedom, and pay down a sum of money before they were permitted to become inhabitant householders of the city. If the practice had the merit of uniformity, it might be entitled to some support. But the wealthy merchants, professional men, and bankers, as well as wealthy private individuals, put to scorn all attempts to impose fines on them for residence. The question was not of small importance or insignificance regarded either in a pecuniary or political sense. He might state that the city solicitor had, within the last four years instructions to prosecute upwards of 3,000 persons for not paying up their enrolment fees, and there were at present before the Court of Aldermen 2,000 persons who refused to pay the fine of residence. Now, he conceived such proceedings as these were contrary to the spirit of the ancient charters of London; because, by the ancient charters, occupiers were entitled to residency and citizenship. He did not ask the House for power to bring in a Bill which would have the effect of depriving the corporation of an iota [of the property possessed by those bodies, or that would in any way curtail their privileges; but he asked permission to bring in a Bill which would have the effect of removing a great injustice from many poor voters. If the House considered it of small importance that these parties should pay 2*l.* to obtain their freedom, why let it be pronounced, that it might go forth that they should pay for the privilege of exercising an independent trust, and that they were to be mulcted for the benefit of other classes; at the same time, he cautioned them they would be teaching these persons how to sell their votes. In London the matter was of more importance than a pecuniary fine involved. They had had for centuries a constituency of municipal voters of 50,000 or 60,000, with a Parliamentary constituency of some 30,000 or

40,000 voters; whilst at the present moment he believed they had not more than 5,000 or 6,000 persons entitled to exercise the civic franchise in London, with a Parliamentary constituency ranging over 20,000 voters. The municipal roll of the city of London contained only 6,018 names, and the Parliamentary roll comprised 20,000; whilst in Manchester, Leeds, and most other large towns, the proportions were reversed. Then, again, the 6,018 municipal electors were scattered through 25 wards, in five of which the number of voters did not amount to more than 70 or 100, whilst in others it reached to only 100 or 120. Now, he asked was that right, in such a community as the inhabitants of the city of London—the wealthiest in the world? The corporation of that city possessed funds to the amount of 200,000*l.* per annum, clear of taxation. Yet, notwithstanding, their constituencies went down from between 30,000 and 40,000 to 5,000 individuals. He asked was it right that they should not have even a fourth of municipal voters compared with Parliamentary, when it was well known that in every other town and city the inverse ratio existed? When these fines were first originated, they no doubt were enforced to recruit the exchequer of the corporation; but that excuse could not now be pleaded, because the funds in that exchequer had been greatly increased in amount. In the year 1750, the corporate funds amounted to some 50,000*l.* per annum; in 1808, they increased to 100,000*l.*; and in 1848, to nearly 200,000*l.*; therefore, it could not be justified in continuing to exact the fine of residence for the purpose of recruiting the municipal funds. If he should be asked, “was the fine serious?” he would admit it had been greatly reduced. At present it was comparatively small, being 3*l.* 6*s.* 4*d.* on a government stamp of 3*l.*, whilst formerly it amounted to 30*l.* However, he did not intend occupying the time of the House; though he should say it was with surprise he had heard it was the intention of the Government to oppose the introduction of the Bill. The only argument he had heard against the Bill was, that its effect might be to affect the revenue some 700*l.* to 1,000*l.* annum. But that ought not to form a reason why Government should object to the introduction of a Bill. He submitted that, as in 1835 the Government repealed the stamp duties in every city with the exception of London, they should

not at present seek to perpetuate an injustice on that city, which they had abolished in every other. If he were given the opportunity of bringing in the Bill, hon. Gentlemen would see that he sought nothing but the removal of a very great injustice.

Motion made, and Question proposed—

“That leave be given to bring in a Bill to abolish the payment of Fines and Stamp Duties on the Admission of Freemen into Corporations of Cities and Boroughs in England and Wales.”

MR. J. WILLIAMS seconded the Motion.

The ATTORNEY GENERAL said, that the Bill which the worthy Alderman wished to bring in was one of that class to which the right hon. Secretary for the Home Department referred at the commencement of the Session, when he suggested the propriety of the House refusing to permit measures to be introduced which there was no probability of ultimately carrying. Moreover, the Members of Her Majesty's Government had reason to complain of the course adopted by the hon. Gentleman who sought to introduce the measure. The hon. Gentleman admitted that his object heretofore had been to remove the fines within the city of London, and for that purpose he submitted a Bill to the right hon. Gentleman the Speaker; but finding from his opinion that the Bill was a private one, and that notice should be given in order that the corporation of London, whose interests were certain to be affected by it, might be made aware, the hon. Gentleman renewed his Motion, and embraced within it other cities and towns in England and Wales, with a view to the wholesale confiscation of their corporate funds. The hon. Gentleman assigned as a reason, that the municipal constituency of London decreased in proportion as the Parliamentary constituency increased. Why then did not the worthy Alderman bring in a Bill to make the municipal vote depend upon rating, as it did in Manchester and the other towns to which he had referred? But the remedy for the city of London was simple, and might be effected by the corporation of the city of London, bringing in a Municipal Reform Bill if they saw the necessity for it? But surely it was no reason for the abolition of municipal fines, because the municipal constituency did not keep pace with the Parliamentary. The Motion of the hon. Gentleman went directly to touch the property of the corporations of England and Wales;

and he (the Attorney General) wished to know what right the hon. Gentleman had to interfere to such an extent without the consent of these corporations, and without even having made application to a single member of the London corporation to inform him of his intention to endeavour to abolish these fines? The corporations, if they wished, could abolish these fines themselves; and if the House interfered at present, they would be depriving the corporation of the principle of self-government invested in them. He begged to ask the hon. Gentleman why not allow the corporations to remove these fines themselves? The Common Council was at present an elective body, returned every twelve months; and their constituencies, if they thought fit, could make it a condition of their return at the time of election that they should vote for such abolition of fines. He warned the House, if they recognised the principle of the hon. Gentleman's Bill, they would be entrenching on the principle of self-government, and interfering with property without solicitation or invitation. Now, as regarded the corporation of the city of London, he wished to know did the hon. Gentleman who introduced the Bill express the wish of the burgesses of that city? [Alderman SIDNEY: Yes, yes!] Well, there had been no petitions to that House from them.

ALDERMAN SIDNEY: Yes, I myself presented one on the subject.

The ATTORNEY GENERAL did not know of that; but he did know that the corporation of the city of London did not agree in thinking with the hon. Gentleman.

ALDERMAN SIDNEY: I believe they do; and a great portion of the Court of Aldermen also.

The ATTORNEY GENERAL: The corporation was invested with the principle of local government, and it was not fair that, because one member of it, who happened to be a Member of that House also, differed with the entire body, the hon. Gentleman should seek to convert that House into a high court of appeal on the question. He (the Attorney General) would not stop to consider the question of the propriety of increasing the freemen. The hon. Gentleman said his Bill would merely affect fines and stamps; but if he proposed to abolish the creation of freemen by purchase, he was taking a strong measure wherewith to alter the entire constitution of the corporation of the city of

London, without even the justification of an application on their part. The hon. Gentleman had also stated that the question did not involve more than about 600*l.* a year, which was a mistake, as the amount would reach between 2,400*l.* and 3,000*l.*, no inconsiderable sum. There was no complaint on the part of the citizens as regarded the corporation; and, therefore, he thought the corporation should be left to effect such change as they deemed improvements, particularly when they possessed the power within themselves to do so. He should therefore oppose the introduction of the Bill.

MR. FORSTER considered there should be a thorough and searching reform in all corporations. The hon. and learned Attorney General asked, why not leave these reforms to the corporation itself? Now, he (Mr. Forster) was certain that the hon. and learned Gentleman was the last man that expected they would ever do so. There certainly had of late been some improvements in corporations, but it was not creditable to the Government to allow of such practices as still existed under the London corporation. The hon. and learned Gentleman inquired for the petitions; but it was well known how such could be prevented. To expect that the corporations would amend themselves, was simply absurd. However, he thought it would be better to allow matters to remain as they were until they could have a thorough and searching reform.

COLONEL SIBTHORP could not give the Motion his support, as he looked upon the Bill as one which was only introduced for the city of London, and not for all municipal towns in England and Wales. There would never be a reform in the corporation of London, as long as the Prime Minister was one of its representatives. He agreed with the hon. and learned Attorney General that this Bill was an improper interference with private property, and he therefore recommended the worthy Alderman to withdraw his Motion.

MR. HUMF said, that the House probably was not aware of what had been done in the city of London. It had been stated that no inquiry had taken place into that corporation, whereas one of the most searching inquiries which had ever been made into an institution of the kind had been carried on and completed under the superintendence of Mr. Blackburn, the late eminent counsel, and Sir F. Palgrave, with regard to the corporation of the city

of London. Their report would be found in the library. They had carried out the reform of the municipal corporations in spite of the resistance of those bodies; but he regretted that the principle was not applied to the city of London. As he understood the matter, the worthy Alderman wished to abolish the fines and stamp duties on the admission of freemen in the city of London, as in other places. This had been effected by the Bill introduced by Mr. Williams, the late Member for Coventry; but the Government at the time, at the instigation of the corporation of London, exempted it from the operation of the Bill. It probably would have been better if the hon. Member had postponed his Bill until the returns on the subject were laid on the table. He would ask Her Majesty's Ministers whether it was not their duty to redeem their pledge, and carry out the same principle of reform to the corporation of London, which they had applied to other municipal boroughs?

SIR B. HALL did not suppose that the Bill would be attended with any great advantage if it should be allowed to be introduced; but he did not think the time of the House had been thrown away, as it had introduced the subject of the unreformed state of the corporation of the city of London. He was a Member of that House when the Municipal Corporations Act was brought forward, and carried; and he regretted that it was not made to apply to the city of London; but at that time there was a distinct pledge on the part of the Government that a distinct measure should be brought forward for the purpose. He was glad that that conversation had taken place, as it would direct public attention to the subject. The hon. and worthy Alderman said that the funds of the corporation exceeded 200,000*l.* a year, over which Parliament and the public had no control; and he (Sir B. Hall) thought this was a sufficient reason for the condition of the corporation being fully considered in that House, with a view to such a reform as to give the inhabitants of the City a control over the expenditure of that large income. He did not mean to say that the corporation of the city of London was as corrupt as some of the old corporations were before the Municipal Act passed, but still they stifled inquiry; and the aldermen, as soon as they put on their gowns, notwithstanding the opinions they might previously have expressed, threw

over reform. They ought to get rid of the system of electing aldermen in the City for the period of their lives, instead of for a limited period, as in other municipal boroughs. He believed the Bill to be hardly worth noticing, although perhaps it might be regarded as of some importance in Stafford. He recollected being asked, some years ago, to stand as a candidate for the representation of that borough, and one of the conditions proposed was, that he should pay up the fines for the admission of a number of freemen, which he, however, refused to do.

Mr. ALDERMAN SIDNEY, in reply, said that the corporation, as a body, was anxious for reform, consistent with the privileges they enjoyed. The hon. and learned Attorney General stated that the present measure would interfere with the legitimate powers enjoyed by corporations; but if these gentlemen inflicted fines not consistent with justice, was not that House the tribunal to step in and rectify such? He did not seek by that Bill to invalidate the property of corporations in England and Wales; he only asked to be allowed to introduce the Bill that severe and unjust burdens might be removed. However, as certain returns had yet to be laid on the table, he would not hesitate to withdraw the Bill, promising that he should again seek to introduce it after these returns had been laid before the House.

The ATTORNEY GENERAL objected to any such course, as he was opposed to the principle of the Bill. He should, therefore, persist in giving the negative to the Motion.

MR. REYNOLDS considered it to be a great evil that every ratepayer in the city of London had not a vote in the municipal affairs of that corporation. Among other reforms, he would suggest that the aldermen should be elected for only three years, instead of for life. He believed there was no corporation in the empire which was uncontrolled by the ratepayers, which performed its duties in a more satisfactory manner than the corporation of London; still he thought that reform principles should be applied to it.

Motion negatived.

#### WOOD USED IN SHIP-BUILDING.

MR. MITCHELL said, in rising to bring forward the important Motion for the House to take into consideration the duties on foreign timber, with the view of remitting the duty on all wood used in ship-

building, he could not help expressing his regret at the state of the Opposition benches. When they repealed the navigation laws last year, the eloquent leader of the party opposite told them that that measure would have the effect of handing over the foreign trade of the country to foreign vessels, but he would not stop to inquire how far this anticipation had been fulfilled. In stating the facts of the case to the House, he could assure it that the question regarded shipbuilders and shipwrights, and not wood merchants. He candidly stated that he was himself a wood merchant, but he was not personally interested in this question. In 1842, previously to the right hon. Member for Tamworth bringing forward his Motion for the alteration of the timber duties, he (Mr. Mitchell) had sold certain descriptions of timber at 105s. a load, and the same timber after the reduction of the duty he had sold at 65s. Another description sold with the old duty at 55s., and at the reduced duty at 15s. The consumer, therefore, obtained the benefit of every shilling in the reduction of the duty. There was not the slightest appearance of an increase in the price of the article, but rather a tendency to a decline in the price. From these two circumstances he conceived that he was justified in saying that any reduction of prices that could be effected by the adoption of his proposition, would go to the shipbuilder. It would be in the recollection of the House that duty on all foreign ships was taken off by the measure of last year. The consequence was, that the manufactured article was admitted free of duty, and the merchant who purchased a foreign-built vessel was entitled to give it all the privileges of a British ship without the payment of any charge or duty. The following were the duties charged on foreign timber—on hewn timber 15s. the load; on sawn timber, such as planks, deals, &c., 20s.; and on masts and spars as follows—on small spars 24s., and on large spars 48s. He would now proceed to the cost of shipbuilding in this country. All ships were classed by Lloyd's surveyors. All new ships were placed in the class A 1, which was divided into a number of other classes. The first class under this head remained on it twelve years, and the lowest class of ships four years. The difference between the classes arose entirely from the material of which the ship is built. In forming the estimate of the



per centage which arose from the duty on foreign timber, used in the construction of vessels, he had used the greatest care. He had referred his calculation to one of the largest shipbuilders in London, who had told him that, taking a rough view of the facts of the case, he was correct in his estimate. He had estimated the cost per ton at 2*l.* above the number of years the ship was entitled to be on the register. He believed that he had given rather too high an estimate, for when they went to the lower class of vessels, he did not believe that they would cost so much. As it was, as much foreign timber was used in the building of British ships as was allowed by Lloyd's surveyors. As regarded the ships in class 12 A 1, the per centage of the duty on the foreign timber, deals, &c., on the gross cost of a ship was 9-16ths per cent. The cost of a first-class ship for twelve years, he estimated at 14*l.* the ton; for the next class for eleven years, at 13*l.* a ton, and so on to the lowest class 4 A 1, which he took at 6*l.* per ton. The estimate of the amount of duty on the foreign timber, used in the construction of ships, he took at—

12 A 1 ...	9-16 per cent on the gross cost.
11 A 1 ...	$\frac{8}{16}$ " "
10 A 1 ...	1 " "
9 A 1 ...	$\frac{4}{16}$ " "
8 A 1 ...	$\frac{6}{16}$ " "
7 A 1 ...	12 " "
6 A 1 ...	13 $\frac{1}{2}$ " "
8 A 1 ...	15 $\frac{1}{2}$ " "
4 A 1 ...	17 " "

Therefore in the class from 9 A to 4 A, the advantage to the foreign shipbuilder over the home shipbuilder varied from  $4\frac{3}{4}$  to 17 per cent. They were often told that this country was best adapted for the building of the highest class of ships, and certainly advantages existed as regarded the materials at home and from the colonies, such as oak, teak, and hard woods, from Jamaica and other places. He would place English ships in three different classes. He would take from 12 A to 9 A in the first class. All the ships in these classes were fit for long voyages, and were fit to carry on the trade between this country and the East Indies and China. This class of ships were strong and serviceable vessels, and fit for the carrying of tea, sugar, and other articles paying a high freight. In addition, they were fitted to carry out passengers of the highest class, who paid large sums for their conveyance. He alluded more particularly to the vessels of Wigram, Green, and Smith, of New-

castle, which were built regardless of all expense. He admitted that the amount of duty on the foreign timber used in their construction was a mere bagatelle until they came to the lowest of this division, when they had  $4\frac{3}{4}$  per centage. The second class comprised 8 A, 7 A, and 6 A. For what purpose was this class wanted? The purpose was to bring home corn from the Mediterranean and the Baltic, and, above all, cotton from the United States. The House was probably aware that two-thirds of the cotton now brought to this country from the United States came in American ships. The freights paid for the conveyance of that article would not pay in the higher class of shipping. British ships, then, in these classes, came into direct competition with the Baltic and American vessels, and it was upon this class of ships you levied heavy duties varying from  $6\frac{3}{4}$  to  $13\frac{1}{2}$  per cent. He asked whether they would expect the shipowners to go on satisfactorily with this class of vessels if they were burdened in the way which he had described. He now came to the classes 5 A and 4 A. The duty paid for the timber used in the construction of vessels in this division was most enormous. These vessels were suited for the timber trade, and they came into competition with ships built in Canada. On what principle was the home shipbuilder taxed in this manner to allow the Canadian shipbuilder to beat him? The effect of the present arrangement was to throw the whole of the building of these vessels into the hands of foreigners. Even with regard to the higher class of ships, he was not sure that it was for the interest of this country that they should continue to build them to the same extent which they did at present. For building a ship of that class, they had at least, on the average, to go twenty miles before they could get a supply of English oak. If, then, they did not take steps to encourage the use of foreign oak, where would they get a supply of English oak, when this country most wanted it, in case of a war? He believed the young oaks in this country were encroached upon and cut down too rapidly, and before they had attained sufficient growth. Upon what principle did they proceed in saying that there should be no duty on the manufactured article, while there was such a duty levied on the raw material? There was no other case of a manufactured article coming to this country free of all charge. He repeated, he was not aware of any other

manufactured article being admitted free of duty. If any one proposed to build a vessel, he had to pay a high duty on the foreign timber used in the construction of it. Was not this a gross infliction on the industry of the country? Then the question arose whether the drawback could be easily ascertained. At present there was a drawback upon all foreign timber used in the building of churches. To ascertain the amount of this, they had to go all over the country, but ships were only built in certain localities; and the quantity of foreign timber used could be easily learned. He asked a gentleman of high experience in matters of this kind his opinion on the subject; and he assured him that there would be no practical difficulty, as all the ships built in English ports were brought under the special survey of Lloyd's surveyors, who took an account of all the timber used in their construction; and they could at once tell, in every instance, the quantity and nature of foreign timber used in building a ship. The surveyor at Lloyd's was bound to examine every ship, and ascertain the quantity of foreign timber in her, but a certificate of the quantity might be had from the builder. He found that the annual tonnage of ships built in the united kingdom amounted to 140,000; and he had asked an eminent shipbuilder what, in his opinion, according to the present regulations, was the proportion of foreign timber that might be used in that tonnage; and he had assured him, that if it were estimated at a fourth part, that would be an extreme calculation. Now, taking the total number of loads of timber used in the construction of these 140,000 tons, and estimating the various duties paid upon the portion of it that was foreign wood, he found that the annual amount raised by the duty on foreign timber used in shipbuilding was only about 35,000*l*. He appealed, therefore, to the House whether, for the sake of so small an amount, it was worth while to continue this tax, in order that they might build more ships in Canada, when the remission of it would give contentment to a large, industrious, and deserving class of the community, which had been just exposed to the most severe competition with foreign countries—a class, moreover, which would be exposed to still further difficulties by the Mercantile Marine Bill, and by fresh regulations about to be established. Upon this latter point, however, he did not, perhaps, altogether agree with the body, for he

thought the Mercantile Marine Bill a very good one; but still there were doubts and apprehensions among them concerning that measure. The Legislature told the shipping interest that they must not man their vessels with foreign seamen, and yet placed the industrious classes of shipwrights and builders as nearly as possible upon an equality with foreigners. He hoped that, for the sake of 35,000*l*. a year, they would not continue to inflict an injury upon one of the most valuable and useful classes of the community; and he hoped the right hon. the President of the Board of Trade would not, in his answer, quote the instance of some foreigners having bought ships built in the north of England. It had happened lately that, in consequence of depression, the prices of all materials used in the building of vessels, as cordage, cables, iron and copper, had been materially reduced; timber had fallen from 30 to 40 per cent; flax from 30 to 40 per cent; cables 20 per cent; and iron and copper in similar proportion. There never had been a time when these materials were cheaper than they had recently been. But it was not to be expected that this would continue; and if prices rose, as probably they would, a great change would take place in the state of things, as affecting the shipbuilders. But, however that might be, justice ought not to be denied to this large and industrious class; and he conceived it was but a simple act of justice to bring this question before the House.

Motion made, and Question put—

“That this House do resolve into a Committee, to take into consideration the Duties on Wood, with a view of remitting the Duty on all Wood used in Ship-Building.”

MR. HEADLAM begged to second the Motion. It was quite true, as his hon. Friend had stated, that the shipping interest was not in that depressed condition which had been predicted as the result of the repeal of the navigation laws, but it was also true that it was subjected to the most severe competition. Freights were now low, and there was every probability that they would continue so. He did not mention these facts in any spirit of complaint on the part of the shipowners whom he represented; but freights being so low, and there being that severe competition with the foreigner, he did think it was the duty of the House to consider whether it was not possible, by a measure of this kind, to do justice to the shipowner. In 1830 a petition was presented to that House by

certain shipowners, praying for an alleviation of the burdens to which they were subjected in the shape of timber duties; and of that petition Mr. Huskisson, a gentleman who was always considered a great authority by hon. Gentlemen, had expressed a most favourable opinion. If the repeal of those duties, then, was considered advisable in 1830, how very much stronger was the case at present when they were exposed to the fullest possible competition with the foreigner. The duty on timber was opposed to the very first axiom of taxation; it was a duty imposed on the raw materials of a manufacture of the very greatest importance. That ships should be permitted to be imported duty free, while the raw materials were taxed, was opposed to the great principle of taxation which had been held to be just by that House. The timber duty was also a differential duty, and was in that respect opposed also to the principles of free trade. It gave a protection, so far as our colonies were concerned, and a premium to the Canadians on the construction of ships. He did think that the shipowners had a right at the present moment to press their very strong claims upon the House.

MR. LABOUCHERE said, he did not rise for the purpose of complaining that hon. Gentlemen connected with the shipping interest should have thus early in the Session called the attention of the House to the important subject which his hon. Friend the Member for Bridport had brought forward; still less did he complain of the tone and manner in which that subject had been treated by his hon. Friend who had addressed the House, not only with his accustomed ability, but with that clearness which arose from his perfect knowledge of the subject. In the few words which he (Mr. Labouchere) was about to offer, he should not be disposed to enter into any controversy with the hon. Member upon the general principle involved in his Motion; and, in truth, he addressed the House under considerable disadvantage; for he should feel it to be a dereliction of duty if, by any observations he might make, he left any distinct impression upon the mind of any hon. Member, whether he did or did not concur in the principle laid down by his hon. Friend, that it was desirable, under all the circumstances of the case, that the Government should propose to the House this Session a remission of a certain duty which his hon. Friend described as amounting to 35,000*l*. It should be re-

collected that they were now on the eve of the general financial statement which in a few days it would be the duty of his right hon. Friend the Chancellor of the Exchequer to lay before the House; and he hoped the hon. Member for Bridport would not attribute his course to any insensibility to the importance of the subject if he gave him only that answer which every Minister of the Crown must of necessity make to any proposal of this kind made just prior to the financial statement. It appeared to him also that the circumstance of its being the intention of the Government to propose the budget at so early a period of the Session did give additional force to that general reason which, not only for the convenience of the Government, but for other motives of great moment, rendered it inadvisable that any Minister of the Crown should express an opinion in favour of the retention or remission of any particular duty until the time had come for the general financial statement. He hoped his hon. Friend would accept that as a reason for not agreeing with his Motion. His hon. Friend had said, and he believed truly, that in respect to the higher classes of vessels built in this country, the duties now existing were quite immaterial. Mr. Wigram, in giving his evidence before the Committee last year, said that upon first-class vessels built in the Thames he did not estimate the burden higher than 2*s*. 6*d*. per ton. He admitted, however, to his hon. Friend, that upon vessels of a smaller class the burden was more considerable. At the same time he was far from thinking that even with these duties our shipwrights could not contend successfully with those of foreign countries in building both high and low class vessels. He did not wish to go into details now; but there was no reason why, consistently with a due regard for other interests, he should not also be called upon to enter upon the subject of the remission of any other duties, and to show why they should not be removed. He, for one, should be glad to see them all removed. However, he could not accept the argument that our shipwrights could not compete with those of other countries, and he had maintained the same doctrine last year, when contending with hon. Gentlemen opposite for a repeal of the navigation laws. He held the same opinion still. There were countervailing advantages on their side which should not be left out of consideration. For example, on the article of iron alone the Prussian shipbuilder

paid more duty than the English ship-builder upon the foreign timber he used. He was not arguing that it might, or might not, be desirable to remove this duty, but simply submitting the fact to the consideration of his hon. Friend. With reference to the cheapness of constructing a particular class of vessels in Sweden, he held in his hand an extract from the annual report of Mr. Norman Pringle, our Consul at Stockholm, in the year 1842, and, as it pointed out the advantages which our vessels possessed over Swedish vessels, and that they counterbalanced the advantage of the latter in regard to cheap timber, he would read it to the House :—

“ I shall take every opportunity to procure information respecting the effect which may be produced on ship-building in the ports of this district, by the alteration in the English Navigation Laws. It does not appear, as far as I can learn at present, that the interests of British ship-builders will suffer from competition here. In Stockholm, Calmar, Westerwick, and Wisby, where oak is made use of in building particular parts of the vessel, the price per ton for the hull averages about 7*l.* sterling; in Gefle, Sundsvall, Elmea, Pitea, and the northern ports, where oak is unknown, and fir only employed in the construction of ships, the price is generally about 5*l.* sterling per ton for the hull; such vessels are models in figure, excellent sailers, but from eight to ten years is the limits of their service. I am also informed by one of the principal merchants here, and a possessor of several ships, that in building his vessels he invariably has all the cordage, sails, cables, tackling of every description from England, and that after paying 10 per cent import duty, he has superior and cheaper articles than could be procured in Stockholm.”

He did not give this as an argument that, if after a general review of the whole fiscal policy of the country they found themselves able to do it, a removal of this duty would not be a great advantage. He was conscious of the great benefit to be derived from encouraging the trade of shipbuilding, for it was of national importance; but at the same time he felt he was meeting the Motion of his hon. Friend in a fair spirit, when he said that, while this advantage was appreciated, let it not be over-estimated. With respect to the higher class of ships, our builders had great advantages, for they had a choice of timber such as existed in no other country in the world. But there was no dispute between his hon. Friend and himself with respect to that class of ships, for his hon. Friend had confined his observations to the construction of the lower class of vessels. Under the circumstances he would not

detain the House longer, but he hoped they would consider how soon his right hon. Friend the Chancellor of the Exchequer would lay his financial statement before them, and would, therefore, see the propriety and prudence of not expressing any opinion upon this particular point. If they began by selecting particular duties upon which to come to a vote of this kind, without taking a view of the whole financial condition of the country—and that, too, on the eve of the financial statement—he thought they would not be discharging their public duty so fairly as by abstaining at present from entertaining this question, and he therefore hoped that his hon. Friend would not press the House for any expression of opinion on the subject.

Mr. CARDWELL said, it appeared to him that the principal object his right hon. Friend the President of the Board of Trade had in rising was to conceal, as far as possible—and very properly to conceal—what might be the intention of the right hon. Gentleman the Chancellor of the Exchequer about ten days hence. His right hon. Friend had certainly achieved his purpose. He would not say that the observations of his right hon. Friend had enabled him (Mr. Cardwell) to perform the office of a prophet; but still he had ventured to draw an inference, a sort of surmise, from the tone assumed by his right hon. Friend, that he was not unfavourable to the proposition of the hon. Member for Bridport. To the strong arguments of that hon. Member, based, as they were, not only upon policy, but upon justice, there appeared no disposition on the part of the right hon. Gentleman to dissent. With respect to timber, there were some remarkable instances of the operation of the removal of duty. A few years ago the duty on mahogany was reduced, and the quantity used in shipbuilding was greatly increased. Had they not by recent legislation exposed the shipbuilders to competition with all the world? Had they not, from 1842 to the present time, laid down the principle in commercial legislation that wherever they could they would set free the raw material, in order to afford the widest scope for industry? Having laid down that general principle in all commercial legislation, they had exposed this branch of trade to particular competition by the measure of last year. He would ask the House if there was a single instance in the tariff in which the manufactured article was admitted free of



duty, and the duty maintained on the raw material from which it was manufactured? If not, was there any ground of principle, justice, or expediency for the maintenance of this particular duty? The right hon. President of the Board of Trade, however, had argued on no one of those grounds. He was not surprised at the answer of the right hon. Gentleman, for it was undoubtedly an inconvenient course to enter upon the discussion of subjects of this kind at a time when a general review of the taxation was about to be made. He should be glad, however, to believe that the surmise he had ventured to form was not altogether unfounded, and that, although the right hon. Gentleman had drawn the veil of futurity very closely round the events of next week, he (Mr. Cardwell) should be justified in drawing the inference that a tax so impolitic and unjust would not escape the notice of the right hon. Gentleman the Chancellor of the Exchequer. He hoped that next week they would have the pleasure of congratulating that right hon. Gentleman on his restoration to health, and his resumption of his duties in the House; and he was sure they would have to congratulate him upon having a large surplus arising from the remission of those duties which fettered industry, and thereby impoverished the Exchequer, because they shut it out from sources of revenue which increased industry would stimulate.

MR. HUME said, that the hon. Gentleman who spoke last had very properly observed that there was no instance on the tariff of a raw material being taxed while the manufactured article was free. The navigation laws had been repealed under great pressure and against much opposition; and he (Mr. Hume) had then pledged himself that he would, on every occasion, endeavour to remove all restriction and duties which prevented the free play of industry. He was sorry to say, that were he to draw an inference from the speech of the right hon. Gentleman the President of the Board of Trade, it would be different from that formed by the hon. Gentleman the Member for Liverpool; for he should conclude that there was no intention on the part of the Government to take up this question, inasmuch as the right hon. Gentleman had distinctly stated that our shipbuilders had advantages which counter-vailed all the advantages possessed by the foreigner. Much had been said about the coming financial statement; but what should be the object of the financial state-

ment? To bring before the House the repeal of those taxes which pressed upon the best interests of the country, and, when injury had been done to any parties, to do them justice; and Her Majesty's Government would not be in any worse condition if the House should affirm that it was an act of justice to remove this tax. This country had long maintained a competition with her ships under many disadvantages, even under the monopoly she once had; but now the monopoly was done away, Parliament was bound to do justice to the shipping interest. By giving a decided opinion upon this Motion, he thought the House would be strengthening the hands of the Government, and turn the scale of any doubt that might exist in their minds.

MR. HENLEY would very much like to know when and where all this was to stop. It was all very well for the shipbuilders, or any other interest, to come in and ask for 100,000*l.* [MR. MITCHELL: Only 35,000*l.*] Well, whatever a certain duty on the materials they used might be; but where was it to end, and how did all this bear upon the general taxation of the country? How did the pressure of the national debt bear upon that particular interest? But in this jumble they had exposed the shipbuilders to competition with the whole world, and now they came to gnaw off that particular duty which pressed upon that particular interest. Look at the malt tax. Upon that raw material they had placed a tax of nearly 100 per cent, and if that question had now been brought before the House, the right hon. Gentleman the President of the Board of Trade would doubtless have said, as he had said just before, "Don't touch it—don't discuss it, until the general financial statement has been made." But he (Mr. Henley) wanted to know if they were to go through all these several items of duties, where they were to stop. Now, that all these particular interests had been exposed to general competition, he did not see what was to be done but to take off all the particular taxes which pressed upon them; and if they were taken off one after another, what was to become of the public credit? Hon. Gentlemen connected with this particular interest thought it would be for their advantage to get a decision upon the question in a very thin House; but the shipping interest had been exposed to competition in the most perfect uncertainty whe-

ther they would get the tax taken off. They ought to have made a bargain in the first instance. If the shipping interest was going on flourishing to such an extent that foreigners were fain to come here to build their ships, why was it necessary to take off the timber duties to enable them to swim? How could these two statements be reconciled? The fact was, a particular interest had been brought into a state of great peril and difficulty, so that they were obliged to press the Government to take off the taxes which most affected that interest. But they might depend upon it that other interests which had been also affected by recent measures, would make the same appeal. They had certainly a just claim for consideration, and if the present proposition were affirmed, he did not see where the House would stop. At the same time he should not express any opinion upon the subject himself, either by his voice or by his vote. He would only observe that the debate had been very instructive, and he hoped much good would be elicited out of what had been stated.

MR. J. SANDARS said, the interests of the great shipowners had not, he believed, materially suffered from the effects of recent measures; but the smaller shipowners, especially those of Yarmouth, had been severely affected. The abolition of the duties upon timber would be a great benefit to this class. He was sorry to add that much distress prevailed at the present moment in the borough he had the honour to represent, among the shipbuilding trade. Last year five vessels were built in that port, but only one upon order. The rest were all built upon speculation.

MR. CLAY said, the hon. Member for Oxfordshire had entirely misapprehended the character of the Motion, in treating it as a particular tax upon a particular interest. The case was that of a tax upon a raw material imported into this country, which, in a manufactured state, was allowed to come in duty free. No similar case of injustice could be found. Last year he refused to vote for the repeal of the navigation laws, upon the ground that in this respect the shipowners would be exposed to an injustice. He ventured to hope that the right hon. Gentleman the Chancellor of the Exchequer would, upon his financial statement, relieve the shipping interest of one of the grossest pieces of injustice that any class had ever suffered from.

MR. WYLD observed, that the hon. Member for Bridport had only proposed the remission of the duties with regard to the timber used in shipbuilding. But he (Mr. Wyld) would remind the House that the continuance of the tax was no less a gross injustice towards the mining interest. That interest was now exposed to competition with the whole world, yet it was compelled to pay duties upon the timber it consumed. He hoped, then, that the Motion would be framed so as to include all other interests who were suffering under similar injustice to the shipping interest.

MR. MITCHELL, in reply, said, that the question introduced by the hon. Member for Bodmin had nothing to do with the shipping interest. When mines and collieries could be imported into this country, and imported duty free, then the case would apply, and not before. After what had fallen from the right hon. Gentleman the President of the Board of Trade, he was reluctant to divide. At the same time there was a strong feeling in all the shipping towns that great injustice had been done to them. A large body of the representatives of those towns had incurred considerable obloquy by voting for the repeal of the navigation laws; and it was only due to them to go to a division in order that they might show their constituents they were doing their duty. He must therefore divide the House.

The House divided :—Ayes 45; Noes 32 : Majority 13.

#### *List of the AYES.*

Adair, H. E.	Matheson, Col.
Aglionby, H. A.	Moffatt, G.
Anderson, A.	Morris, D.
Bass, M. T.	O'Flaherty, A.
Cardwell, E.	Palmer, R.
Chichester, Lord J. L.	Pechell, Sir G. B.
Clay, J.	Pigott, F.
Clive, H. B.	Pilkington, J.
Cobden, R.	Ricardo, J. L.
Cocks, T. S.	Salwey, Col.
Duko, Sir J.	Sandars, J.
Duncan, G.	Scholefield, W.
Edwards, H.	Stuart, Lord D.
Fagan, W.	Thompson, Col.
Farrer, J.	Thornely, T.
Forster, M.	Wakley, T.
Greene, J.	Walmsley, Sir J.
Headlam, T. E.	Willcox, B. M.
Henry, A.	Williams, J.
Ileyworth, L.	Williamson, Sir H.
Hume, J.	Wyld, J.
Hutt, W.	
Jackson, W.	TELLERS.
Kershaw, J.	Mitchell, T. A.
	Gibson, T. M.

*List of the Noss.*

Armstrong, R. B.	Lewis, G. C.
Baines, rt. hon. M. T.	Maule, rt. hon. F.
Baring, T.	Mulgrave, Earl of
Bellew, R. M.	Paget, Lord A.
Berkeley, Adm.	Paget, Lord C.
Brotherton, J.	Parker, J.
Elliot, hon. J. E.	Raphael, A.
Evelyn, W. J.	Rich, H.
Hatchell, J.	Romilly, Sir J.
Hawes, B.	Shoils, rt. hon. R. L.
Hayter, rt. hon. W. G.	Shelburne, Earl of
Hobhouse, rt. hon. Sir J.	Stanford, J. F.
Howard, Lord E.	Sturt, H. G.
Howard, hon. J. K.	Verney, Sir H.
Howard, Sir R.	
Jervis, Sir J.	TELLERS.
Labouchere, rt. hon. H.	Hill, Lord M.
Lascoll, hon. W. S.	Grey, R. W.

Committee on Tuesday, 19th March.

## AUDIT OF RAILWAY ACCOUNTS.

MR. STANFORD said, he had given notice of his intention to introduce a Bill for the more effectual Audit of Railway Accounts. It might be in the recollection of the House that he had inquired, early in the Session, whether it was the intention of the Government to bring in any Bill relative to the audit of railway accounts, and that the President of the Board of Trade then stated that the Government were not disposed to introduce any Bill on the subject, but that if no measure was proposed by any independent Member on behalf of the shareholders, the Government would be prepared to take up the question. It might be recollected that a Bill relating to the audit of railway accounts had been originated in the other House in 1848, but had been rejected by that House; and last year a nearly similar Bill, which had been introduced in the House of Lords, had also shared the same fate when it came down to the House of Commons. He did not believe that any system of audit which was tainted by Government interference would have the confidence either of the railway shareholders or of the country; and he thought that in this case the trite quotation was particularly applicable—

*"Timeo Danaos, et dona ferentes."*

He understood that a Bill for establishing an audit of railway accounts had been introduced last night in the other House, and he believed, from what he had heard of its nature, that it was a measure to which he could give his support, as it very closely resembled that which he had intended to submit to the House. He was convinced, although there was an almost

unanimous opinion against Government interference, yet the opinion was equally universal that it was high time some steps were taken to establish an effectual audit with regard to the vast amount of capital embarked in railway speculations. It was unnecessary to recall to the recollection of the House the painful disclosures which had been made as to the waste, extravagance, misapplication, and frauds which had occurred in railway concerns; and it had been a matter of surprise to every man acquainted with business, that some measures had not been taken earlier to protect the *bond fide* investors in such speculations. He considered that to render any system of audit efficient it must be continuous in its operation, the accounts must be published half-yearly upon a uniform model, and the audit must be untainted by what was called Government interference. He had had six or seven years' experience as a shareholder and bondholder in most of the large railway companies, and had become familiar with the ill consequences resulting from the want of an efficient control over the financial departments of those companies, and, having applied his attention to the subject, he had framed a Bill, which he was ready to lay on the table, with the view of establishing an efficient system of audit. He considered that any measure that might be adopted on this subject should be framed in a spirit of courtesy towards railway directors, because, although there had undoubtedly been much extravagance, and in some cases gross frauds, yet he believed that, with some few exceptional cases, the directors were honourable men, who exerted themselves to promote the interests of the shareholders. Under the circumstances, however, he did not think the right hon. Gentleman the President of the Board of Trade had acted upon the pledge he gave when he said the Government would only introduce a Bill, provided no independent Member took up the subject—

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter after Ten o'clock.

## HOUSE OF COMMONS.

Wednesday, March 6, 1850.

MINUTES.] PUBLIC BILLS.—1<sup>o</sup> Juvenile Offenders.  
2<sup>o</sup> Affirmation; Marriages.

## MARRIAGES BILL.

Order read, for resuming Adjourned Debate on Amendment proposed to be made to Question [27th February], "That the Bill be now read a Second Time," and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months." Question again proposed, "That the word 'now' stand part of the Question."

MR. A. J. B. HOPE rose to address the House. He said he was most unwilling to follow up the same course of argument pursued by the hon. Members for Abingdon and Oxford, lest he should in any respect diminish the effect produced by their admirable speeches. In consequence of the *ex parte* statements in the blue book, an association of gentlemen opposed to the repeal of the existing law, had procured returns from clergymen in various parts of the country. These returns being voluntary, were worth as much as those which Messrs. Crowder and Maynard procured, and which were embodied in the blue book—nay, they were worth more, for they were not hastily gathered for a purpose, but tendered by persons of experience of what they spoke about—by clergymen of fifty, forty, thirty, and twenty years' knowledge of their parishes. Those returns which came from the large towns could not, of course, be depended upon for more than containing what their writers knew; this, however, was sufficient to show that the case was not of that pressing nature which it had been represented. Those, however, from the agricultural parishes, averaging from 1,500 to 150 inhabitants, of which there were many, might be relied upon as showing their condition; for no clergymen but those who cared for their flock would have taken the trouble to answer the questions. From these he would show that, although, as was to be supposed, marriages in the degree of wife's sister were, as being less flagrant, more common than in the other prohibited degrees, yet that was followed in the ratio which was to be expected from the numbers of our population. It was assumed that no marriages in the other degrees had taken place except among the most abandoned individuals—the offscourings of society. He would show that the proportion of persons in the upper or middle classes who had contracted them was about the same as that of those who had married their wives' sisters. From these

returns it appeared that there were within the knowledge of these clergymen 178 cases of marriage with a wife's sister, out of 269 marriages within the prohibited degrees; the remaining 91 consisting of cases in which individuals had married persons who stood within the degrees of relationship subjoined:—Marriages with a brother's widow, 41; own aunt, 6; own niece, 19; wife's daughter, 6; own half-sister, 1; father's wife, 1; brother's wife's daughter, 1; son's wife, 2; uncle's wife, 3 (one case of a peeress); wife's niece, 11. These were, for the most part, cases which had occurred in the upper and middle classes of life. Of these unlawful marriages, other than with a wife's sister, one was of a lady of title, who married her husband's nephew, who was a clergyman. A lieutenant-general in the Army had married a lady, and then married her aunt; he then married another woman, and afterwards her niece (the niece of the third wife). The same clergyman who returned this case, knew of two cases of marriage with brother's widows in a superior class of life. In the case of the lieutenant-general, and one of the others, he stated that there was an appearance of attention to religious duties. A clergyman from Bristol knew of a case in which a man had married his illegitimate daughter, and he stated that this man could not be convinced that this was horrible incest. Another case was that of a shopkeeper at Cheltenham, who married his aunt. One case was reported from Hull where a man of property, in the year 1802, married the daughter, her mother, and afterwards a second daughter. Another clergyman reported that he knew of a respectable labourer who had married his brother's widow; and of a shopkeeper who had also married his brother's widow, and had improper intercourse with her daughter, who was at once his stepdaughter and his niece. Another clergyman knew of a respectable labourer, a discharged soldier, living with a brother's widow. Another case was that of a publican, who married his niece. A clergyman in Nottinghamshire stated, that there was in his parish a considerable farmer who had married his brother's widow. He also knew of a case where the sister of a considerable farmer, after leaving the parish, married her uncle, to whom she went to keep house. A wine merchant in Essex had married his brother's widow. In Suffolk a shopkeeper had married his niece. A clergyman in Gloucestershire knew of a



did not see how it would be possible but that marriages with aunts, with nieces, and with brothers' widows, should be also permitted. In Prussia and Germany generally, where marriages with a wife's sister were permitted, marriages with uncles, aunts, and nieces, were also allowed; and so it must be in this country, if the law were once relaxed so as to permit marriages with a deceased wife's sister. He could not shut his eyes to the fact, that these fragmentary relaxations of the law of marriage (allowing it with a wife's sister; disallowing it with her niece, or a brother's widow—glad as he was at the restrictions in themselves) would admit a dangerous and insidious principle into the law and practice of England. Hitherto the understanding in England had been that marriage was a religious, not a civil, ceremony; and the only marriages prohibited were those of an unlawful kind—not as in Germany and some other countries, where restrictions were put upon marriages on account of difference of rank between the parties. In Germany, for example, a marriage might be prohibited because the lady could not produce the requisite number of quarterings in her escutcheon. The consequence was, that the connexions of the aristocracy were confined within a very limited sphere, and that other evils were created which he believed in no small degree led to the revolutions that had taken place in Germany. In Spain, where great restrictions of a similar nature were imposed upon the grandees, they found the race degenerated and fallen to an extraordinary degree. In England, however, no such prohibitions existed, the law restraining only those marriages that were contrary to the law of God. It might be said, allow the Dissenters this liberty, it will not hurt the Church. He would not admit this. If they granted this relief to Dissenters, would not that cause many who professed to adhere to the Church of England to become members of a sect of Dissenters for a short time, then marry their wife's sister or their aunt, and, after attending the chapel for a short time, afterwards find that the scruples which had induced them to leave the Church no longer existed. They would return to the Church, ask the clergyman to dinner, and the clergyman would find sitting at his table, under the name of wife, the host's aunt or niece. They must come to this—had they been on the wrong tack for three centuries, and

were they now to change it? The right hon. Gentleman had made certain changes in the Bill, as compared with that of last year, for the purpose of conciliating the clergy; but, in his opinion, those changes formed only an additional snare and difficulty, and certainly they did not remove his objections to the measure. Before concluding he would state, on the authority of a Manchester paper, that this Bill, instead of being applicable to the poor of that part of the country, was not wanted by them, and was not at all suited to their circumstances. It was stated in the *Manchester Courier*—

“That Mr. Wortley must be deplorably ignorant of the circumstances of the working population—at all events, in this part of the kingdom. In the first place, such marriages are almost unknown among the workpeople, who (greatly to their credit) feel an instinctive repugnance to them; and, in the second place, every member of a poor family is obliged to work for their livelihood—women as well as men. It is one of the most gigantic evils of the manufacturing system that even the wife is necessarily taken away from her young family in order to attend to her employment in the mill. Every available hand must be at work to maintain the family; and, therefore, Mr. Wortley's position is simply imaginary.”

In conclusion, he hoped that the Bill would be rejected by the House.

MR. S. HERBERT wished to say a few words on the question, because he felt that the course he was prepared to take, and the grounds on which he had come to a conclusion as to his vote, differed from those that had been generally assigned by persons supporting the Bill, and because the opinions he had formed were contrary to those of many of his friends for whose views he entertained the deepest respect. He had presented a petition signed by a large body of people in the diocese connected with the county which he represented, praying the House to reject the Bill of his right hon. Friend the Member for Buteshire; but he observed this difference in that petition as contrasted with those presented from similar bodies last year, that the opposition to the Bill was based not on religious but rather on social grounds. He rejoiced that that distinction existed, because in his opinion they were not justified in arguing the question in that House simply and solely on religious grounds. If there was a good argument socially, that was the argument on which he should have relied if he had decided on opposing the Bill. It might be true that there were strong religious arguments against marriages of this description. It

had been held from time immemorial in the Church of England that it was so; and as a Member of the Church of England he gave his cordial and unhesitating assent to their deprecation of such marriages. As a Churchman he was bound by the ecclesiastical law, which forbade such marriages. But the House of Commons was not a convocation or council; and they had no right, as they had no competency, to discuss nice theological questions or matters of ecclesiastical law. Let the opposition to this measure be based, then, on social grounds. He thought there were grave social objections that might be urged to the Bill; but on questions of this kind they were bound to take a balance of the evil and good, and, however difficult it might be to come to a nice adjustment, to decide on which side the balance preponderated. As he understood the Bill, there was this year a most careful avoidance of everything that would trench in any way upon the rights and privileges of the Church of England. Last year his right hon Friend, with great impolicy and great forgetfulness of the principle on which they ought to legislate in matters affecting religious bodies, relieved clergymen of the Church of England from the penalties properly attaching to them for celebrating these marriages; but with respect to the Church of Scotland he did not dare to propose the same interference, or to set aside in any way the laws and opinions of that Church. The Church of England, however, was so tied to the State, and so helpless in the hands of the State, as not to be able to make the same resistance to aggressions upon her rights and privileges. This year his right hon. Friend had removed that clause, and he (Mr. Herbert) felt himself in consequence relieved from a considerable difficulty; because, so far as the Church of England was concerned, she was left untouched by the operation of the Bill. He rejoiced that a distinct homage had thus been paid to the principle that the House should not interfere with respect to the laws that the Church of England had established for her own government. But, with respect to other religious bodies, who had no such laws as he had described, who had no canons to restrict them from contracting marriages of this description, there were clearly civil restrictions which prevented them from contracting marriages which, according to their own religious opinions, were perfectly justifiable. Socially speaking, if a case was made out that morality

would be endangered by the Bill, that would be a reason for rejecting it, and for maintaining even the religious disability that certain denominations experienced, because they would have to put up with a lesser evil: but he had not heard it established that such danger would arise to morality from this measure as would justify them in preventing religious denominations who had no religious objection to this class of marriages from celebrating them as a civil right. He did not think that in the evidence taken before the Commission, there was anything stated to show that among the poorer classes the alterations of the law would have an immoral tendency, but on that point he would not dwell. He took the broad principle that there being no case sufficient to justify a jealous restriction of religious bodies in this matter, any imposition of such restriction amounted to a disability wholly uncalled for. It had been said that if these marriages were to be contracted by members of the Church of England before the registrar as a civil rite, a stain would lie upon them. His answer was so much the better. He was not for such marriages being made; he belonged to a communion that did not approve of them, and he wished to discourage them. But he thought that, marriage being made a civil rite, they were bound to make that civil rite co-extensive with the religious feelings of the country. He had, therefore, though not without great difficulty and great hesitation, come to the conclusion that it was his duty to support the second reading of the Bill.

MR. ROEBUCK entirely dissented from the view just taken by the right hon. Member for South Wiltshire, with respect to legislation for different denominations upon this subject, while at the same time he fully concurred with him in opinion as to the inexpediency of discussing theological questions in that House. In the course of the debates on this Bill, he had heard constant appeals to what hon. Gentlemen were pleased to call "the law of God," as though it were something different from the law of nature. He thought it right, at the outset of his remarks, to state broadly the manner in which he drew a distinction between these two terms, and the mode in which he would argue the question. It would be found, he believed, that the "law of God," in most hon. Members' mouths, meant just that which they liked, not anything which they could pro-

duce good reasons in support of, but some one thing or other which their own prejudice or feeling made them like more than another, and that it was which they called "the law of God." Reference, too, was constantly made to one manifestation of "the law of God" contained in the "Old Testament." But if hon. Members took any one chapter in that book, in which there was a statement upon which reliance was placed on account of the prohibited degrees, they would find in that same chapter whole masses of phrases which every hon. Gentleman who appealed to that chapter would say could not by possibility be admitted to be law at this time. Take the 6th and 7th verses, for instance, of one chapter—they were both in one sense, and in the proper sense, the law of God; but they were not accepted as a decision in this matter. But one hon. Member takes the 7th, and another the 6th verse; both declare them to be the law of God, and both exclude one or other of them. How, then, in this case, was he to be guided to any decision? By referring to the very chapter which was supposed to govern us in this matter, there were rules laid down wholly opposed to the law of England, and which nobody admitted to be binding in this country. It would be totally impossible to draw any line straight through, and say which was the law of God, and which was not. He took the whole of the chapter, the whole of the book, as statutes and rules made for a special purpose, and for the guidance of a peculiar people, to which they could not appeal for guidance in this matter. He then came to the question itself, and he looked at it simply as a legislator, and as supposing that no law had ever existed upon the subject, and he asked himself what should he do if he were about to lay down a rule for the guidance of the people upon this subject. The rule laid down by the right hon. Member who had just resumed his seat was the most unsatisfactory that he had heard upon the subject. He proposed to draw a distinction between members of the Church of England and those who did not agree with them, and would allow any person who could bring himself to a certain belief with respect to the person whom he intended to marry, so long as he declared himself not a member of the Church of England, to marry whom he pleased. [Mr. S. HERBERT: No!] He (Mr. Roebuck) thought that was a fair conclusion to draw from the *right hon. Gentleman's* speech, who stated,

as he (Mr. Roebuck) understood him, that it was a hardship upon the Dissenters that they could not marry persons against the marriage with whom they entertained no conscientious scruples. Then, suppose a man not in connexion with the Church of England—and he made the supposition without any feeling of levity—wished to marry his own mother. He would, in that case, come within the rule laid down by the right hon. Gentleman. Now, without appealing to any law except what was called the law of nature, he could find very proper reasons why such a marriage as that should not be allowed. Now, many hon. Gentlemen who appealed both to the law of God, and to the law of nature, would say that a man marrying his sister was contrary both to the law of God and the law of nature. Now, his answer to that was, he did not know that. He believed that almost from the beginning of time mankind had been in the habit of marrying their sisters. What, then, was meant by the law of nature? And here he came back exactly to the same point as that with respect to the law of God—it was just in this case what persons did not like, what they did not think proper. But what were the reasons which induced men in the state of society in which they were, and which had induced all the civilised nations of Europe, not to permit a man to marry his sister? He thought he saw two grounds upon which the prohibition was made, the one a physical, the other a moral reason. Now, the physical reason did not attach to the question; but the moral reason, which alluded to marriage with the sister, applied just as strongly to the sister-in-law. If he were to point to any relation which had in it more of kindness, more of benevolence, more of exalting and hallowed feeling than any other, he would point to the relation of brother and sister. There was a tenderness, a feeling of hallowed affection and endearment about it, which, although between persons of different sexes, was entertained without the slightest feeling or imputation of carnal passion. There was all the gentleness of woman, with all her kindness, all the emotions which could be introduced into the relationship, without any of the sensual feelings by which the highest feelings of affection between the sexes were tarnished. Could these relationships be increased? If, by any mode of legislation, they could multiply the relations of sisterhood, they would confer an inestimable boon upon humanity. But was

there no other view of the case? Pass the Bill according to the wishes of his right hon. and learned Friend, and they would immediately plant a thorn in the side of almost every family. Do not let us, then, hide these things, or be afraid or ashamed of telling the truth. A man might marry into a family, his wife had several engaging sisters, younger than herself, some of them, perhaps, more beautiful. At the time of his marriage, he felt perfect safety against any mishaps arising from the connection; at the time he married he loved the woman whom he made his wife; he was now made a member of a family, with, say, three other sisters, young and perhaps beautiful, loving him because of the connection which subsisted between their sister and himself. Of what an inestimable worth was the love and companionship of those sisters! But if this Bill passed, could they be so ignorant of human nature—so blind to the realities of life, as not to know that in spite of themselves the wife in that case would not have the same feelings which she might otherwise have, if she knew that her sisters actually felt towards their brother-in-law just as her sisters did with respect to her? There was a sacredness in the case of actual brothers and sisters which rendered all jealousy, all fear, all anxiety impossible; but once break down that barrier, and every hour in which those relaxations would exist would bring its hour of pain, anxiety, jealousy, and misery in the family, instead of its being as now, a multiplication of all the kindly feelings of the heart. Upon these grounds, therefore, he accepted the challenge of the right hon. Member for South Wiltshire, who required to be shown a ground for believing that there was a balance of evil against the measure. Coming, then, to the other side of the question, there was really no ground for standing out in favour of the liberty of marrying a deceased wife's sister. That was surely not a thing of so great importance, seeing how the world was at present constituted. Wives were not wanted. [*A laugh.*] When he said that, he meant that they could be obtained. It was not at present with society as in the case of a person thrown upon a desert island, with two sisters only to begin the race of mankind with; and if the one should die, you would be under the necessity, if you wished to increase the race, of marrying the other. Nothing of the sort. But then it was said that the deceased's wife's sister would be an excellent guardian

for the children. Now, in cases where the wife dies, and leaves behind a young family, he fully admitted that there was a reason why the aunt, in that case, should have love and affection for her sister's children, and might be anxious and attentive for the preservation of their interests. While he admitted that, he did not think it would increase the care and watchfulness of the aunt over the children by making her a wife. Quite the contrary. The aunt would then be converted into the mother-in-law, and have children, perhaps, of her own; all the passions and feelings of the stepmother would be grafted on to the aunt, and instead of increasing her tenderness and love, and making her more of a benefactor and protector to the children, they would have done their utmost by the passing of the Bill to diminish all her feelings of kindness. The very grounds, therefore, which had been laid down in support of the Bill, were just those which led him to vote against the Bill. He could not think that a more mischievous result of legislation could be conceived than that of converting the kindness and tenderness of the aunt into the jealousy of the stepmother, which would in fact be the very effect of this Bill. He was not aware of how many marriages of this kind had taken place since this question had been mooted; but of this he felt quite certain, that the numbers were not so great as the right hon. and learned Member who had brought forward the Bill had suggested. But even if they were, what good would be done by legalising these marriages? They did not get over the fact that they had converted the aunt into the stepmother, and the jealousy of the wife that would be caused by the Act passing. He saw no harm, but, on the contrary, great good, which would result from restraining marriages of the kind; and as for importing into the question the cry of religious liberty, it was perfectly idle to talk of it. It was nothing but a mere hypocritical statement. When a legislator, weighing all these things, said that he thought that, for the benefit of mankind, this was a relation which ought not to be allowed to exist—if a legislator came to that conclusion, it was the duty of every religionist—he did not care of what class—to bow down and obey that law. If he could persuade the legislator out of his view, well and good, let him do so; but do not let any man, or set of men, whine and cry out about religious liberty, call it a religious question, or make



himself a religious martyr upon the subject. But he must show, when the Bill became an Act of Parliament, they had done a good work by changing the old law, and that, by so doing, they had really benefited the most important of all institutions of nature and of law—viz., the institution of family. Because he thought that of all the relations of life, that of brother and sister was the most hallowed and exalting, and connected by the strongest ties—with the exception of that of parent and child, and one which was most entitled to their love and support—because he thought this Bill would be a direct attack upon that most pleasing and useful of the relations of man, he felt himself bound—after weighing carefully the arguments which he had heard for and against the measure, without the slightest hesitation, whatever might be the imputation attaching to him, to express his strong and determined opinion against the Bill.

MR. SPOONER said, the hon. and learned Gentleman the Member for Sheffield had argued this altogether as a social question. He had discarded all the religious opinions, and all the arguments drawn from the word of God. Now, although he (Mr. Spooner) admitted that the House was not the place in which religious discussions ought to be brought forward when they were not absolutely necessary, he could not agree with what had fallen from the right hon. Gentleman the Member for Wiltshire, when he said that they ought to legislate on this subject without any reference to the word of God. In his own opinion, he conceived that the Legislature was bound to ascertain, on such matters as these, whether their legislation was authorised by the revealed will of God. The present prohibition he (Mr. Spooner) maintained was not contained in that revelation, either in so many words or by implication. The hon. and learned Gentleman the Member for Sheffield, in his usual powerful style, had drawn a graphic picture representing the evils which he said would result to the wealthier and more refined classes of society by the alterations proposed. Let him (Mr. Spooner) lay before the House what he conceived was now the effect upon the largest part of our population—the middle and poorer classes of society. He would take the case of a married tradesman, who, having set up in business for himself, and who, being left a widower with a small family, was unable in consequence of the existing law to ob-

tain that amount of care and superintendence for his family which they required, and which he would be able to obtain if allowed to marry his deceased wife's sister. In what situation were those parties? They were placed in a situation where it was natural that they should wish to marry, but they were restrained from doing so not by the consideration that it was against the law of God, but against the law of man. They had no right to put parties in that position, or to establish such restrictions upon the marriage state unless they thought those restrictions were founded upon the word of God, and were necessary for the social happiness and comfort of large classes of the community. Again, there was another consideration deserving of attention. How many marriages under this law had been illegally solemnised? How many women were living in a state of concubinage? He was convinced, after a long acquaintance with the population of the manufacturing districts, where the houses were so crowded, where society was so large that the individual character was scarcely noticed—that they would find the state of concubinage produced by this law of marriage was such as would greatly distress any man of right feeling, who had made himself acquainted with him. This brought him back to the consideration whether this immorality was occasioned by their law or by the law of God. They must, he thought, attribute it to the imperfect human law—a law which took upon itself a power it had no right to take, and which it could not be proved was conformable to the law of God. The right hon. Gentleman the Member for South Wiltshire had congratulated them on the religious part of the question being kept out of the discussion, but it formed a very important part of it. It was upon that part of the question that two hon. Members in particular had rested their objections to this measure. He (Mr. Spooner) would not presume to enter into that question, for he felt it was not a fit subject for debate in a popular assembly, where such questions could not be properly decided; but there was one single point to which he would refer, and which appeared to him to be thoroughly conclusive. The hon. and learned Gentleman the Member for the city of Oxford had dwelt particularly upon the prohibition contained in the 18th chapter of Leviticus, to the effect that a man should not take to wife the sister of his

wife during his wife's lifetime. Did not that special exclusion during the life of the wife supply a strong inferential argument that, after the first wife's death, such a marriage would be permitted? And how did the hon. and learned Gentleman meet that argument? He said it was a wrong translation. Could there be anything so dangerous as for a man to rely upon that argument when he felt the common sense language would not bear out the view of the case? It appeared to him (Mr. Spooner) to be one of the most extraordinary statements that could be put forward, particularly upon so high an authority as that of the hon. and learned Gentleman the Member for the city of Oxford. But then his hon. and learned Friend said the Church had suggested in the margin of the Bible that another sense was to be attributed to these words. That very suggestion in the margin strengthened his (Mr. Spooner's) argument, because it demonstrated that the subject had been fully considered, and the translation in the text was deliberately adopted. Is it to be believed that the translators would have put what they believed to be the wrong translation in the text, and inserted what they thought the right translation in the margin? Then, supposing that those marriages were not forbidden by the word of God, they should be considered altogether on a social basis. Believing that the great mass of the population were under heavy penalties, and had great dangers imposed upon them by the law as it now stands, which tended to lead them into the commission of great immorality, they should pause—however eloquent the picture might be of the injury that would be inflicted on the higher and more refined classes of society—before they continued a law that had already created immense immorality, and which was daily perpetuating that immorality. There was another point to be considered—they were told that the Church was against those marriages; and perhaps some of the canons of the Church might be against them, but the canons which prohibited those marriages were not amongst the canons to which the clergy were called to subscribe. What was the natural conclusion to be drawn from that fact, but that, on those points, the Church left a latitude, and it was what he might call an undecided question. There was not such a decided character given to those canons as to

others, for the clergy were not called upon to verify the assent to them by their signature. He would not follow the hon. Gentleman the Member for Maidstone through the long and curious account he had given them of the doctrines of the Church; but would simply remind the House of what the bishops had done in 1835. Did they not give their consent and concurrence to the Bill that legalised all marriages of this kind which had been celebrated in former days? He asked, would the bishops do that if they considered that such marriages were contrary to the law of God? Then the hon. Member had referred to an article written by Dr. Hook, to show that his opinion was formerly not in favour of this Bill, and that he must have relaxed it; but that article refers to degrees of consanguinity only; and if Dr. Hook had relaxed his opinion, he (Mr. Spooner) could solve the reason. It was, that the rev. gentleman had been introduced into a community in which he had daily and hourly under his nose a practical proof of the immorality produced by the law as it now stood. He disclaimed any fundamental change on the part of Dr. Hook. It was to consanguinity, and that alone, that he referred in the article to which the hon. Gentleman the Member for Maidstone had alluded.

MR. ROUNDELL PALMER said, that the hon. and learned Gentleman the Member for Sheffield, in a speech which all, of whatever opinions, must have heard with admiration, and with nearly all of which he (Mr. R. Palmer) most cordially concurred, stated one opinion to which those who had a strong conviction as to the existence of a divine law upon this subject could not be expected altogether to assent. The hon. and learned Gentleman had himself shown in the most clear, forcible, and persuasive manner that the security and sanctity of families, and the enjoyment of those tender domestic ties which were among the best gifts of God upon earth, were essentially dependent upon the protection of a prohibitive law, such as at present existed. If there were some who believed, and in their consciences were convinced that God, the author of society, had given us that very law for those very reasons, and had Himself founded a code, the whole structure of which bore testimony to those reasons as founded in the principles of divine wisdom; and if the observance of this law was found to be laid down in express terms as a duty to na-

tions, and not to individuals only, how could those who entertained such a conviction regard it as irrelevant to this discussion? How could they do otherwise than regard it as the best, the last, the final and the most certain sanction of all those social reasons upon which the hon. and learned Gentleman had relied? There was a further reason why they were not at liberty to say that the divine law was irrelevant, because even the Acts of Parliament which now defined and determined the law of the realm on this subject, declared that these marriages were prohibited by the law of the land, because they were plainly prohibited by God's law. That was laid down at a time when all civil and ecclesiastical authority in this country and throughout Christendom was unanimous as to the true interpretation of the Levitical code. He would not now repeat any of the arguments which he had urged on a former occasion upon this subject; but if there remained any doubt as to the extent of that law, perhaps the best mode of resolving that doubt was to consider the principle. It was, no doubt, not satisfactory to go into a mere verbal criticism, unless they had a principle by which the soundness of the results it would lead to might be tested. What, then, was the pervading and obvious principle of the code which they had admitted into this country, and which they said they adopted because they found it in the divine law? The pervading and obvious principle was to throw the strong, irrefragable sanction of a prohibitive law around the domestic intercourse of families, so that the opportunities given might not create any tendencies in such intercourse to vicious results; and that, under this security, no suspicion of unworthy passion, or motives, or tendencies of that sort, should interfere to restrain that perfect freedom of affectionate intimacy so necessary for the happiness of life. This was necessary as between brothers and sisters, uncles and aunts, to whom the children would look up in the place of their parents, if those parents were removed, and who, from their intercourse with the parents, would naturally feel the greatest affection for the children. But was it less necessary with those who might be brothers and sisters by marriage? Was it not required, to make marriage itself tolerable and happy, that the wife should see her sisters as she saw them before she married her husband? *But how could that be if they did not*

throw around her the protection for which he contended? And what difference, he asked, was there between the sister of the wife and the brother of the husband? The advocates of this measure had given up the case of the brother of the husband, and they must necessarily give it up if they went on the chapter of Leviticus. The right hon. Gentleman did not attempt to deal with that case. Could it be then said, that in the case of the wife's sister the reason for the prohibition was merely confined to the lifetime of the first wife? All the arguments they had heard urged in favour of this Bill as to the peculiar fitness of the wife's sister to undertake the maternal care of the children, recoiled upon those who used them, for what would be the effect if the law was repealed, unless every widower should marry his deceased wife's sister? The effect would be to deprive the children, when such a marriage did not take place, of the maternal care of their mother's sister. He would again say, that the principle of the divine law evidently extended to this case. It was not to be supposed that a law founded upon the divine principle could stop short of it. There would be a blank on the face of the divine code if they blotted out from it this case. He did not intend to enter into that discussion of verbal criticisms which had already occupied the attention of the House so long; but he could not help making one observation upon what had fallen from the hon. Member for North Warwickshire, who had appealed to the translators of the English Bible as an authority decisive of the interpretation put upon the 18th of Leviticus by the supporters of the Bill. Now, in the first place, if it rested merely upon the fact that those translators had introduced one reading in the text, and another, which put an end to the hon. Gentleman's argument, in the margin, that would be enough; because it was not their practice to introduce into the margin translations that were wrong. In nine cases out of ten, the translations in the margin professed to give a more exact and correct reading than that contained in the text. Further, those translators were the authors of the canons of 1603, in which it was declared that the marriage was prohibited by the law of Leviticus. We had, therefore, their own expressed opinions on this very subject, plainly showing that those who were accomplished Hebrew scholars, and therefore fitter than that House to discuss a

question of Hebrew criticism, entertained no doubt that there was no obstacle to the conclusion which they drew, that this prohibition was plainly contained in the word of God. He had done with that part of the question, and he now came to make some observation on the speech which he had heard with the deepest regret from a Gentleman for whom he entertained a peculiar degree of respect and admiration, namely, his right hon. Friend the Member for South Wiltshire. That right hon. Gentleman had laid down a most startling doctrine, namely, that in such questions as these the Government had no right to interfere, and that everybody ought to be left to act as his own religious convictions prompted him. He dissented as totally and cordially as any man could from any doctrine that could be propounded on a question of government, from the doctrine laid down by the right hon. Gentleman, that they were to regard merely the private opinions of different religious communities, and that so long as they did not forcibly interfere with the tenets of the Church, every person was to be at liberty to do what he pleased. He wanted to know how far that principle was to go? Was there any reason to suppose that those Dissenters who did not think they were bound to abstain by the law of God from marrying with a deceased wife's sister, would think they were bound to abstain from marriage with the deceased husband's brother? If it rested upon that ground the whole legislation founded upon the divine code would fall to the ground, and they must abandon it altogether. Suppose a case, which history showed had occurred over and over again, of a marriage of brother and sister. There could be no doubt that wherever there had been an absence of prohibition by human law, there had been a sufficient number of persons who took advantage of that liberty, which proved distinctly that you could not absolutely rely upon any natural feelings as a certain hindrance. But would any man tell him, if a sect of professing Christians started up in this country, and said that any marriage which could innocently be solemnised at any time in the history of the world, was morally lawful for the present generation to contract, and that, as brothers married sisters in the beginning of the world, therefore they saw no objection to such marriages now-a-days, would any one for a moment listen to them? Would the Le-

gislature fancy that they were going beyond the confines of their jurisdiction in prohibiting such marriages? Clearly not, because the principles of toleration could go no further than this, that they were not to interpose and prevent persons from holding and expressing their opinion and conscientious belief, and worshipping God in the manner in which their belief led them to worship; and they were not justified in excluding such persons from merely civil privileges on account of their religious belief. But this was not a case in which it was pretended that there was any religion in the whole world which made it a matter of conscience that a man should marry the sister of his deceased wife. The decision of such a question belonged to the Government of the country, unless they were prepared to abdicate the functions of government. Let them, for example, take the observance of the Sunday. He supposed there were vast numbers of people in this country, who thought, as so many people appeared to think abroad, that there could be no conscientious objection to carrying on ordinary business on Sunday. In Protestant as well as in Roman Catholic countries on the Continent they would see shops open and business going on on Sunday, and it was perfectly evident that a different state of opinion prevailed in those countries from that which prevailed here. There could be no doubt whatever that vast numbers of persons in this country also thought that it was perfectly lawful to neglect the observance of the Sabbath. Still the Legislature did demand an observance of the Sabbath from such people, and to the opinions of such persons, on that point, paid not the slightest regard. The Legislature formed their own opinion as to what was right or expedient for the social good, and for the moral and religious character of the people, and they legislated accordingly. They did that in all things, and why not on this matter of marriage, which, as the hon. and learned Member for Sheffield had just said, was the first, the greatest, and the most important of all questions affecting the domestic condition of society? He (Mr. Palmer) must say something about the practical point which had been suggested on the other side, as to the moral tendency of this law. Why, that was really nothing less than begging the whole question, because, in the first place, if this marriage was prohibited by the divine law, they could not make it moral by calling that a marriage which was no marriage.



If, on the other hand, they proceeded upon the social view of the question, the Legislature, feeling that it was for the general interest of morality that a man should treat his wife's sister as his own, both before and after the decease of such wife, passed a law to that effect. If that opinion was well founded, what became of the argument from its violation? The violation of such a law in particular instances no more proved that law to be the cause of its own violation than did the laws against bigamy prove themselves to be the cause of bigamy. Were they gravely to be told that all the violations of law which took place on this or any other matter were attributable to the law, and not to those who committed them? They might as well say that all acts of theft, or other immoralities, were committed because they were prohibited. Hon. Gentlemen who supported this Bill, of course, did not mean to lay down such a doctrine, but their argument had that tendency. Then, if the question were put on the point of compassion towards the children or wives who had been born in, or had contracted those marriages, he admitted that he felt the deepest compassion for those suffering women and innocent children, who, through a violation of any law, human or divine, were placed in a situation in which the former had forfeited their character, their honour, and estimation in society; and the latter had forfeited their right of inheritance as legitimate children. In such cases, if by any act consistent with morality and sound principle he could restore the parent to virtue, or the children to their lost inheritance, natural feeling would lead him to do it; but it was impossible to do so—it would be undermining, for particular individuals, the general laws of morality and justice established for the general government of the world. There was only one other argument upon which he intended to make any observation—an argument which he had frequently heard urged by the otherside upon this question—"England is the only country in the world where we cannot contract these marriages, and there can be no good reason why the law of England cannot be the same as the law of other countries." Now, in the first place, what was the principle of the law of other countries? Did the House wish to adopt it? It was the principle of dispensation. Roman Catholics expressly said, "We do not hold ourselves bound by *the Levitical degrees*; we establish such a

law of marriage as we think necessary for the general interests of morality amongst our people; and, having done that, we judge, in particular cases, whether the circumstances are of so exceptional a character that the general law may be suspended." What Protestant countries, which also proceeded on the principle of dispensation, did was this: they admitted the Scriptural propriety and social necessity of these particular prohibitions, but they said that the necessity rested upon certain social reasons, and the State set itself up as judge in cases of particular exceptions. That was the principle of dispensation. Now, at the Reformation, England peremptorily rejected that principle of dispensation, and it was a remarkable thing that the principle of the right hon. Gentleman's Bill was totally without a parallel in the legislation of any country. There was no country which separated this particular case of marriage with a wife's sister from the rest of the Levitical code; they all treated it merely as one of a class of marriages which, although within that code, were considered as dispensable. He was told that in Prussia, in 1791, they passed a general law allowing this kind of marriage. Yes, and all others which were previously dispensable, so that, in fact, they made permanent dispensations in all cases in which particular dispensations had been before granted, and that showed the tendency of such laws as were founded on the principle of dispensation. And then they knew that in those countries there were a great number of other cases in which they allowed the law to be dispensed with, but with which the right hon. Gentleman had not attempted to deal. So that this Bill now, for the first time, endeavoured to establish a principle, with respect to this particular case, which, unless it could be founded upon some theological argument, or a particular verse in Leviticus, would create a state of things entirely different from what was to be found in any other country. They might be told it was inconvenient to differ in this respect from foreign countries. But looking at the contrast between foreign countries and this, in point of family blessings and prosperity, in point of domestic happiness, of female character, and morality in general, and observance of laws human and divine, he was so far from thinking that the practice of other countries was a reason for us imitating their example, that he was the rather disposed to attribute the great con-

trast that he now saw between the moral and social condition of some of those countries and our own to the laxity which they had allowed on this, the first and principal of moral questions—

“Fœcunda culpæ sæcula nuptias  
Primum inquinavere, et genus, et domos.  
Hoc fonte derivata clades  
In patriam populumque fluxit.”

He was more disposed to adopt one of the principles laid down by Milton—the great precursor of the right hon. Gentleman in the advocacy of laxity in the marriage law—in his “address to the Parliament of England on the doctrine and discipline of divorce.” Milton was desirous of anticipating what had since become the practice in many nations on the continent of Europe; he was anxious that greater facilities of divorce, in cases of unsuitableness of disposition, or other matters tending to disturb the happiness of families, should be introduced into this country. It was objected that such facilities would be the introduction of a new law hitherto unknown in Christendom, when Milton made the reply, which he (Mr. R. Palmer) would adopt for a far different purpose, “Let not England forget her privilege of teaching other nations the way of life.”

MR. R. M. MILNES said, that when he heard opposition offered to the measure which had been so ably introduced by the right hon. Gentleman the Member for Bute, he was inclined to examine very closely whether the grounds on which it had been opposed were of that large and general character which were applicable to the great social question before the House. He found hon. Gentlemen desirous of extending the family relations; and the hon. and learned Member for Sheffield had told the House that an attempt to diminish them would take away much of the comfort and happiness of life. He quite agreed with the hon. and learned Member in that view, and he would, therefore, extend them as far as possible; but he would ask, what argument applied against contracting marriage with a wife's sister, which would not equally operate against marriages with first cousins? He maintained that there was an enormous difference between affinity and consanguinity; and, therefore, hon. Members who opposed this Bill were bound to show that there was something much closer in the relation of sister-in-law and that of a first cousin which should induce the Legislature to permit the one and to forbid the

other. One of the arguments adopted by the opponents of the measure was founded on a principle which he could not admit either in its general or its partial application—namely, that the family relation should be limited by the dictates of the private judgment of individual legislators. It would be impossible for any State to carry out laws restrictive of the marriage relation, unless they were supported by the moral and intellectual sentiments of the community. He would urge this point upon the attention of the House as they were not now approaching this subject for the first time, and they were simply obeying an impulse of the popular will in discussing the question. [“No, no!”] When he said “the popular will,” he hoped he should not be misunderstood as maintaining that there was any such a popular demand for an alteration in the law as would constitute what in ordinary parlance was called a “pressure from without.” But he asserted that the popular will, or rather public opinion, had brought this question before the House, not only on this, but on former occasions, in this way—by the violation of the law by good citizens and honest men. It had been asked whether an infringement of a law was any ground for its abrogation; but when the House saw persons breaking the law openly and advisedly, without loss of public character or private esteem, not in one only, but in various classes of society, and under very different circumstances—when they saw these persons breaking the law, not from passion, but from a conviction that religion permitted them to do these things, and that the law of their country only forbade them—when these persons were found breaking the law without any counter-movement being made, he maintained that this afforded a good *prima facie* ground for an altered legislative policy. Before the Act of 1835 passed, marriages within the prohibited degrees of affinity were voidable only, not void; and unless sentence was pronounced by the ecclesiastical court in the lifetime of both the parties to the marriage, the children were accounted legitimate. The consequence was, that a considerable number of persons did contract these illegal, or to use the legal phrase, these incestuous marriages, and, becoming frequent, the custom attained in time to the very highest ranks of society. It was then, and only then, that public attention was called to this subject. While these marriages were con-

tracted by the lower classes of society only, the Legislature did not interfere; but when they reached the very highest rank under the Throne, what took place? An immediate proposal was made to alter the law. Well, if the foundations of this policy were so broad as some hon. Gentlemen would wish the House to believe, and if these illegal marriages had led to the terrible evils which had been described, might it not have been expected that these topics would have undergone a full discussion in the debates which ensued? Why were the prelates of the Church and the leaders of public opinion silent if these evils were so serious? They were in their places in Parliament, ready to accept the compromise which was proposed, and Lord Lyndhurst's Act was passed, making legal marriages already contracted within the prohibited degrees of affinity; and declaring that such marriages should in future be absolutely void. The Legislature permitted thousands of poor persons to enter into these matrimonial engagements without thinking of providing a remedy, but when one or two of the nobles of the land contracted them, its energies were instantly called into action. This question, therefore, could not be discussed on the high ground of morality. He had explained the reasons why the people of this country regarded marriage with a sister-in-law in a not unfavourable light; but it had been asked why the friends of the Bill did not advocate the marriage of a woman with two brothers in succession, or the marriage of an uncle with his wife's niece? That question was not now before the House, and it would be superfluous to argue it. What he had to deal with was a special grievance, distinctly brought before him, and he was bound to consider whether sufficient grounds had been laid before the Legislature for the relief of that grievance. The hon. and learned Member for the city of Oxford stated, as the result of his experience, that marriage with a sister-in-law was very unusual among the poorer classes of the community. His (Mr. M. Milnes') own experience led him to so different a conclusion, that he could hardly suppose that accident had not something to do with it; for he owned that in the counties in which he had been, these marriages appeared to him to be very frequent, particularly in the agricultural districts, where, perhaps, the supply of wives was not so plentiful as the hon. and learned Member for Sheffield supposed. He

begged the House to consider the position in which an agricultural labourer was placed by the death of his wife. If he could not marry his sister-in-law, he must either not marry at all—a sacrifice which he was not inclined to make—or bring into the house some new person who knew nothing of his children. He was, therefore, driven, as frequently happened, into concubinage, or into one of these unlicensed marriages with his wife's sister. He (Mr. M. Milnes) believed that the feeling of jealousy which came so naturally to persons living in a more refined state of society did not exist among the class to which he was referring, and he had no doubt that this measure would confer a great benefit upon them, and would furnish a remedy for a great deal of loose and irregular modes of living. He was also convinced that these so-called immoral and unlicensed marriages would continue to be contracted, whatever course legislation might take on this subject. Did the House think that persons would be less inclined to enter into them after the public discussions which had taken place, and the arguments which had been adduced by numerous parties in favour of these marriages? For 2,000 such marriages now there would be 4,000 ten years hence, and Parliament would be forced to pass this Bill at last, though in the meanwhile incalculable mischief would have been caused by the delay. There would be in existence a large number of children illegitimate in the eye of the law, but legitimate in the eye of society. He trusted that in this matter the Church of England would not seek to carry out any views of ecclesiastical domination; but so long as the Churchman said to the Dissenter, "You, with the Bible in your hand, may read it in what way you choose, but I, with my Prayer Book in my hand, say that your interpretation of Scripture is wrong," there would be an attempt to tyrannise over the minds and consciences of other men. He must observe, however, that petitions in favour of the measure had been presented from a considerable body of the clergy, and yet the Church of England, divided on the question herself, came and used all her influence in that House, and out of it, to prevent other religious denominations following the dictates of their own consciences. It was his intention to vote for the Bill.

VISCOUNT MAHON said, that when a Bill similar to this was first proposed to

the House by his noble Friend the Earl of Ellesmere, he gave it his best consideration, and recorded his vote against it. He had since read the report of the Royal Commission, and the other documents which had been subsequently issued, and if these documents had in his judgment contained any reasons for inducing him to change his opinion, no charge of inconsistency would have prevented him from voting in the manner which he thought most consistent with the public interest. But he must say that, although he strongly felt and readily acknowledged all the difficulties of this question, he entertained a strong and insuperable objection to the proposal of his right hon. Friend the Member for Bute-shire. On one point, however, he differed from many of those who voted on the same side as himself. It was not a point by any means well adapted to discussion in this House, and he should do no more than most briefly allude to it; but he certainly did not think that they were excluded from the consideration of this question by any divine prohibition on the subject, either express or implied. He thought, therefore, that they were perfectly at liberty to consider this question; and, as far as the argument founded on a divine prohibition was concerned, he could not help feeling what little force it carried with it, even when handled with the ability displayed last year by the hon. and learned Member for Plymouth. He (Lord Mahon) called, however, on the House not to interrupt the social intercourse of families. He could conceive no point of more importance, especially to women, than an unreserved intimacy between a married woman and her unmarried sister. If a different state of the law had existed from early times in this country, perhaps an intimacy, not dissimilar to that which now prevailed in the same relation might have grown up even under that different law; but it was vain to hope to change the law and yet to leave the feeling unchanged; and the law could not now be altered without violating the feelings which had been sanctioned by its continuance. He found this to be admitted by his right hon. Friend who had introduced the measure, though the admission was confined to the higher classes of society. But he (Lord Mahon) asserted that this consideration extended very far beyond the higher classes, and embraced the great body of the middle classes also. He thought that these feelings would receive the greatest interruption and disturbance from the passing of the measure now proposed.

There was another consideration connected with this subject which had great weight on his mind. He thought that the House ought not to look to what this family intercourse would be in a period of health, but at what it would be when the wife was laid on a bed of sickness. There was no case in which a woman would more require the solace and society of an unmarried sister than when her own health was failing. But that was the very period when, if this Bill passed, that society must be relinquished, since either the wife's sense of jealousy, or the delicacy of the unmarried sister, would place an increasing barrier against the intercourse which formerly subsisted. He could not but apprehend, also, that if this Bill were to pass, a married woman might, either from a mistaken regard for her husband, or out of affection for her children, exact in some cases a promise on her death-bed from her husband, that he would marry her sister, even when there was no affection between the parties. Such engagements could not fail of producing unhappiness. He was convinced that the most painful struggles would be produced in the mind of the husband, between his sense of the sanctity of the promise on the one hand, and his want of affection for his sister-in-law on the other, and he could not but feel that, whether finally the promise was kept or not kept, great unhappiness would be the consequence. There was another point which had great weight with him. He could not consider this Bill as closing the question which had been opened. Let it be granted, and much yet remained behind. He had seen several essays and tracts drawn up in a very becoming spirit, expressing the utmost horror, as they all concurred in feeling, of the crime of incest; but yet arguing that God and nature never intended, and that law therefore ought not to enact, any other limit to marriage than that of relationship by blood. If, then, the House passed this Bill, further concessions would be urged on the Legislature till this limit was attained. The hon. Member for Pontefract had touched upon this point, and with how little of fixed opinion had he touched upon it? He did not say whether he would permit marriages with a brother's wife, or with a wife's niece; he merely said that the question was not now before the House. How little security, then, was afforded by his hon. Friend, and those who thought with him, that even if this concession were made, it would preclude further



demands. He (Lord Mahon) begged to say that he dissented entirely from the view that no relationship, short of relationship by blood, should affect the question of marriage. A stepmother and a stepson were not related by blood, and yet no relationship required to be guarded with greater sanctity or more scrupulous care than this. Remove that feeling or sanctity in such a case, where it often happened that the wife of the second marriage was of the same age as the son by the first, and either the most deplorable results would ensue, or, as the lesser evil, the sons would no longer find a home beneath the paternal roof. He was well aware of the great evils of the law as it at present stood. He was aware especially of the great evils connected with foreign marriages of this nature. They had been told that it often happened that persons of wealth who were anxious to contract such marriages went abroad, and, above all, to Hamburg or Altona, and after a short residence were married. Were these marriages legal? What would be the effect of them upon the offspring? On these questions he believed that lawyers were much divided; if so there was at least one certainty connected with these questions, namely, that they would give rise to the most expensive litigation. In the meantime the doubts on this point which must continue in the minds of those persons must be of the most painful nature. These evils, nevertheless, he did not conceive to be sufficient to counterbalance the objections which he entertained to the proposition of his right hon. Friend. In considering the whole subject, he felt bound, however, to state, that he doubted whether the state of the law, previously to the passing of Lord Lyndhurst's Act, was not preferable to what it was at present. By the law as it existed fifteen years ago these marriages were voidable, but not void in themselves; and thus a slur being thrown upon them, they were sufficiently destroyed and removed from probability, without being in every case prohibited, and *ipso facto* null. If they looked to the present state of the law, above all in the lower classes, he did not think that they had reason to congratulate themselves on the change which had taken place. He knew that this was a difficult state of things, since to go back to the former state of the law was a very different question to continuing that former state while it still existed. Feeling, however, his objections

to this Bill as it now stood to be utterly insuperable, he should on that, as on future occasions, give his vote against it.

MR. COCKBURN said, the line of argument taken on the present occasion by hon. Gentlemen who opposed this Bill differed so much from that adopted by them on former ones, that he trusted that the House would excuse him in making a few observations in answer to the arguments he alluded to. He was happy that the matter had been discussed without reference to the divine law. That line of opposition appeared to be abandoned. [Mr. ROUNDELL PALMER: No, no!] At least virtually abandoned, unless, indeed, by his hon. and learned Friend the Member for Plymouth, who seemed still to be disposed to adhere to it. His hon. and learned Friend the Member for Abingdon had in the outset of his argument admitted that the religious part of the question was involved in so much doubt and difficulty, that he was led to wish it might be settled by the authority of the Church itself. This, however, was impossible, as he (Mr. Cockburn) thought, seeing that the members of the Church differed amongst themselves on this subject. It was well known that the bishops themselves were not unanimous on the point, and the body of the clergy differed to a very considerable extent; besides, as had been well observed by his hon. and learned Friend the Member for the city of Oxford, how could the clergy settle this matter, even supposing the Church to be unanimous, while the Dissenters were also unanimous on the opposite side of the question? What right also had the Church to interfere in this matter, which was purely, as far as the religious part of the question was concerned, one for men to settle with their own consciences. His hon. and learned Friend the Member for the city of Oxford had gone even farther than his hon. and learned Friend the Member for Abingdon. He had admitted that the text upon which the opponents of the Bill had so much relied was against them. Nor could there be a doubt that such was the fact; for the text only prohibited a man's marrying his wife's sister during the lifetime of the former; how could this be made to apply to a marriage after her death? It was a sound and established canon of construction that that which was not prohibited by the express terms of a prohibitory law was tacitly admitted; therefore the text was in

favour of the case. Moreover, his hon. and learned Friend the Member for Oxford had admitted that, instead of being against, the Hebrew Church had at all times been in favour of, such marriages. His hon. and learned Friend had indeed discovered that there had existed an obscure section of the Hebrew Church, which differed from the established church of the Jews on this point. Of this sect, however, he would undertake to say not twelve men in that House had ever heard; was their dissent to weigh against the opinion of the Jewish Church in all ages? It was impossible, therefore, for the opponents of the Bill to take their stand on the divine law, as it was termed. His hon. and learned Friend the Member for the city of Oxford, however, while conceding that the text of the Hebrew law was against him, had argued that the authority of the Jewish religion was not binding on them, because they were Christians. And his hon. and learned Friend had referred to the Sermon on the Mount as showing how great a modification of the old law had been effected by the Christian dispensation. He (Mr. Cockburn) fully admitted it; but he defied his learned Friend to show, from one end of the New Testament to the other, a single word prohibiting these marriages. And this was the more striking, because the subject of marriages immediately analogous to these had been brought under the attention of the Divine Author of Christianity, and not one word of prohibition had been uttered by him against them. Considering the religious objection as disposed of, he would now come to the social and moral grounds that had been brought forward against the measure. It had been alleged that the legalising such marriages would disturb the sanctity of domestic life. It had been said that a wife's sister might become an inmate in the family, and in consequence of the familiarity with which she was treated, might be exposed to the danger of seduction by the husband, and that from an apprehension of such a connection the wife might be vexed with jealous feelings, and the peace of the domestic hearth thus be fatally disturbed. His hon. and learned Friend had spoken in terms of glowing eulogy of the morality of this country, and had asserted that England in that respect stood higher than other countries; and yet at the same time they were told that there was such an utter absence of all principle on the part of husbands—that they were so lost to every principle of morality, to every

feeling of honour—that they would seek to seduce their own wives' sisters; and that the young unmarried women were so destitute of all sense of shame, so innately corrupt and profligate, that they would betray their own sisters and sacrifice their own honour by an adulterous intercourse with their sisters' husbands. Then, as regarded the wife's apprehensions: if the wife felt any pang of jealousy, they might depend upon it she would soon get rid of her sister. But the unerring proof that such consequences would not result from such marriages, was to be found in the fact that they were sanctioned throughout nearly every civilised country in the world. They were permitted in nearly every State of the continent of Europe and in America, yet complaints of this kind had never been heard of in any one of them. The hon. and learned Members for Plymouth and Oxford said, that the examples of other countries were not binding on us; but these examples had not been adduced by way of authority, but for the purpose of showing that such marriages had existed for a long period in many moral and civilised nations, and that none of the evils had arisen which it had been predicted would arise if this Bill was passed. It might be very well for us to arrogate to ourselves a higher degree of morality for this over other countries; and he admitted there were some countries in Europe where the same feeling as to chastity after marriage did not exist as in this nation; but there were other countries where these marriages were allowed, such as the north of Germany, Holland, and Switzerland, where the standard of morality was as high as it was in this country. Would any one get up in that House and say that the standard of morality and chastity was not as high among the Anglo-Saxon race in the United States of America as in England? If the consequences and effects of these marriages were destructive of domestic peace, would any civilised nation have endured their continuance for any length of time? He thought, therefore, that these grounds of opposition might be put aside as purely imaginary. Having disposed of these objections, he contended that such marriages should be allowed, on account of the real good that would result from them. There could be no doubt that the greatest advantage and benefit would accrue to the children from such a marriage where the mother died early in life. Every one admitted that the

fittest person to supply the place of a deceased mother towards her children was her sister. Put the case of a mother about to die—whom would she select, on her death-bed, as a second mother for her young children? There could be no doubt that it would be her sister. They had been told, however, that if this Bill became law, they would prevent the possibility of the aunt taking the place of guardian of the children, where no marriage took place between her and the father, whereby the children would lose the benefit of her protection. His answer was that she could not do it now, if the parties were of an age when mutual passion might be likely to spring up. He did not believe that a young unmarried woman could live in a house with a young widower where there were no ties of blood to revolt against any feeling of attachment, without being open to a certain amount of observation. Would any hon. Member, as a father or a brother, wish his daughter or sister to live with her widowed brother-in-law in such a state of domestic intimacy, or expect that it would pass without notice from persons who might be disposed to make censorious or malicious observations? His hon. and learned Friend the Member for Sheffield said that nothing could be more delightful than the relation of brother and sister; but they could not, when this tie did not exist, create it by artificial means or by legal enactment, nor prevent by such means mutual feelings of attachment from springing up between man and woman. The practical result of all experience on this subject showed that when feelings of this kind grew up between a man and his wife's sister, you could not by prohibitory laws prevent their marrying. Mankind were so accustomed to look upon marriage as a matter of religious sanction, that when they were satisfied that the divine law did not prevent a particular marriage, they would seek to evade the law which prohibited it: their consciences would be satisfied, nor would their friends and relations blame them, or look upon them as dishonoured. From the time of passing this law, in 1835, he found that in a very limited district 1,500 marriages of this kind had taken place. It was notorious that a vast number of persons wishing to marry under these circumstances went abroad for that purpose. The children of those married in this country, unless the marriages should be legalised, would be bastardised. If such mar-

riages took place abroad, their legality would probably hereafter be disputed. This would give rise to endless litigation, and to the distress of those innocent parties who having believed that their parents were legally married, might one day find that they were illegitimate. If the evils which might thus arise respected those only who contracted such marriages in spite of the law, little sympathy might be felt for them; but in these cases the interests of the innocent were involved. It appeared to him that they had no right to place a check on acts which involved human happiness, unless it could be shown that it was necessary to do so to prevent a greater amount of evil. The hon. and learned Member for the city of Oxford argued that it was not necessary the divine law should forbid such marriages, if there were reasons of public polity which rendered them improper. To show this, he stated that some of the nations of antiquity prohibited marriages within certain degrees of affinity. No one disputed this, for it was for the common interests of mankind that marriages of persons closely allied in blood should not be allowed. If such unions were allowed, not only would mankind become demoralised, but also the human race itself would be deteriorated. Of course under such circumstances the common experience of mankind demanded restrictions, but there was nothing of this kind involved in the sanctioning such marriages as were referred to in the Bill before the House. It appeared to him, then, that there was no ground, religious, moral, or social, for opposing this measure; while there were the strongest reasons of justice and policy for passing it: he should, therefore, give it his cordial support.

MR. SHEIL: Sir, I do not know whether my hon. and learned Friend who has just addressed you is a member of the Established Church; but if I were to form a conjecture from his speech, I should say, if I may be permitted to borrow an expression from the Horse Guards, that he is a Christian "unattached." If I professed to be a member of the Established Church, I certainly should speak of the canons of that Church, and of the prohibited degrees, of which a list is published in the Book of Common Prayer that lies upon that table, with a reverence more profound than that which has been manifested by my hon. and learned Friend. Where are we to look for the doctrine of the Established Church if not in its canons? And how can any

Churchman, as long as they remain unreversed by the Legislature of the Church itself, treat them with disdain? However, as I do not belong to the Establishment, it is unmeet that I should enter into any discussion on the dogmatical part of this subject. I cannot compete with the hon. and learned Members for Abingdon and Oxford, those forensic theologians, who do not merely support religion from without, like the celebrated lawyer who was more renowned for orthodoxy than for devotion, but may be appropriately assimilated to those beautiful pillars in the Temple Church, by which that noble edifice is at once embellished and sustained. I shall apply myself exclusively to the moral and domestic results of the proposed measure, and inquire what will be its effects upon the wife, the husband, and the prospective bride, whose pathway to the altar is to cross her sister's grave. An amiable woman now receives her unmarried sister with open arms; she cherishes her with a truthful and trustful love; she watches over her well-being with the solicitude of an almost maternal care; no injurious suspicion can come near her; and, although her sister should pass hours and days in her husband's company, upon her deep and still affection no dark conjecture is allowed to cast a shade. But if this Bill should pass, if the wife be taught to regard the daughter of her father and of her mother as the heiress to her bed, and as having peradventure an illegitimate pre-occupation of her husband's heart, her feelings would undergo an inevitable alteration, the worst of all the domestic fiends will enter into her soul, and possess itself of all her being; trifles "light as air" will be invested with their proverbial confirmation, the most harmless familiarities will be misconstrued; she will detect a glance in every look, and a pressure in every touch; her fancy will be stained with images of sin, and in those hours of ailment, to which almost every woman is condemned, she will be pursued and haunted by many a dark and distracting surmise. I turn to the husband. He now looks upon his wife's sister as his own; he feels for her no other than the fraternal sentiment; his intercourse with her is unsullied by a wish; but if he shall be taught to regard as an object of future possession the woman to whom he will be placed in perilous proximity, phantasms, which ought to be chased away, will crowd upon him, and a change of moral temperature will never fail to follow. But upon the wife's

sister what sort of influence will be produced by this measure? She now regards her sister's husband as her protector and her friend; into her unimpassioned gratitude no undue admixture of tenderness is infused; but if she shall have a contingent, or rather a vested remainder in the pillow on which her sister's cheek may soon be coldly and lifelessly laid—if she shall be taught to associate her wedding garment with her sister's shroud—I am afraid that the spirit of conjugal enterprise will be awakened; she will have recourse to all the expedients of captivation—all that she says, and looks, or does—all her gestures, her attitudes, and her intonations will be swayed in her intercourse with her sister's husband by that spirit of speculative endearment which women can so readily and almost instinctively assume. These considerations induce me to think that this measure is unadvisable. If my right hon. and learned Friend the Member for Bute-shire shall succeed in this project, where is he to stop? At which of the prohibited degrees is he to pause? Why may not a man marry his wife's daughter, as well as his wife's sister; for in neither case is the barrier of consanguinity interposed? There, however, it may be said that Leviticus intervenes. I might quote some of the authorities of the Established Church, Bishop Jewell, for example, to show that the inference from Leviticus against the projected marriage is irresistible; but I shall adhere to my resolution not to enter into the dogmatical part of the question; at the same time, it is by no means inconsistent with that resolution to state what I consider to be an indisputable fact, that the religious feelings of the country are against this measure. The women of England, who are the best judges upon a question in which their domestic happiness is so much concerned—the wives and daughters of Dissenters—are opposed to it; the vast majority of the clergy, having a natural regard to the indisputable doctrine of the Church, are against it; the whole Scotch nation are adverse to it, and the right hon. Gentleman the Lord Advocate declared in his evidence that a marriage with a wife's sister was abhorrent to the feelings of the Scotch people; Ireland regards it with a sentiment stronger than one of mere aversion; and the Catholic priesthood deprecate the law that should include these marriages within that dispensing power from the exercise of which the public sentiment would recoil. No amount of popular pre-



judice or passion would induce me to do an injustice to any man, or to any class of men. Rather than do the slightest wrong, I should hold the religious feelings of the whole country in disregard; but I would not, on the other hand, wantonly and gratuitously run counter to that feeling, for the sake of a more than hazardous innovation, which breaks down the moral fences that protect your homes, and to which Ireland, Catholic and dispensing, Scotland, Calvinistic and austere, and the majority of the people of England—of England half Calvinistic in her creed, but more than half Catholic in her usages and in her feelings—are concurrently and strenuously opposed.

MR. C. ANSTEY said, he supported this Bill on behalf of those who did not belong to the Church of England; and he would point out the difference of the view taken of these marriages by the Roman and the Anglican churches. In the Church of Rome these unions, like those of first cousins, were permitted when a dispensation was obtained. In that church no dispensation could sanction or affect marriages within the affinities prohibited by divine law; but ecclesiastical disabilities, or disabilities created by human law, could be dispensed with. Dr. Wiseman had said, with regard to the intermarriage of first cousins, against which so strong an objection existed in England, that a dispensation to permit such a marriage was granted by the Roman Catholic church with as much difficulty as if the case had been one of union between a man and his sister-in-law, or his niece. And why was this? Because the popular feeling was against that sort of marriage; and the popular feeling was taken into consideration by the Church of Rome. The practical effect of this Bill would be just this—that in Scotland and in Ireland, where the people object to such marriages, they would not be solemnized more frequently than they were at present. It was only in this country, where such marriages were common, that the relief would be sensibly felt. If Members were sincere in their wishes to carry out their peculiar opinions into a law, they should do more than merely obstruct the progress of this Bill; they should institute a movement to make the whole of the canon law a part and parcel of the temporal law of this country. If the House refused to pass the second reading of the Bill, they would be deprived of the opportunity of fairly and deliberately considering whether it was *wise and politic* to maintain the existing

law. For these reasons—believing that the measure was required for the religious liberty, not only of Roman Catholics but of all classes of dissenters, seeing that its principle had been supported by a large majority of the witnesses examined before the Committee, he should give an unhesitating assent to the second reading of the Bill; and, further, he would support every clause of it in Committee.

MR. COBDEN said, he would trespass upon the House but for a short time. From peculiar circumstances, he had for several years watched the tendency of the discussion upon this question, and he had felt that out of doors, as well as in that House, the great pressure put upon the country to resist this measure had originated, not in a religious, but rather in an ecclesiastical feeling; for the House could not conceal from themselves the fact, that the opposition to the Bill, which had been carried on with the most persevering efforts in that House, and out of doors, so far as the machinery of the petitions could be brought to bear, originated from ecclesiastical feelings and convictions, and those mainly confined to one branch of the Church of England. ["No, no!"] He had said "mainly," for he did not mean to assert that there were no exceptions; but he repeated the opinion, and he declared, with the fullest conviction he was speaking truth, that the main element of resistance to this measure had originated with a particular party in the Church of England—not indeed a numerous party, but a very influential one—a reactionary party of persons, who, not having full faith in the vital spirit of Christianity, would carry us back to forms and ceremonies somewhat of a Pagan character, and would induce us to adopt genuflections at the altar, and retain the surplice of the clergyman in the ceremonies of the Church—a party, a portion of whose policy it was to revive as much as possible of the sanction and validity of the ancient canons, not of the English, but of the Roman Catholic Church, and to give to those canons, as far as possible, the cogency and the force of Scriptural authority. All this had created great confusion in men's minds, which they could only have cleared away by the useful process of discussion both in that House and out of doors, where there prevailed also much confusion in the minds of religious people. A number of learned men had been quoted, and many learned men opposed this measure on the ground that there was Scrip-

tural authority for that opposition. He had, however, observed that some hon. Gentlemen opposite had been driven from that standing ground; and what he now wished to enforce was, that this discussion should be carried on apart from ecclesiastical authority, for he denied that they had the Bible with them as an authority for opposing this measure. The right hon. Member for Dungarvon, after indulging in a taunt which, of itself, gave a religious turn to the debate, declared that he would not introduce theological dogmas into his speech. The House had heard from that right hon. Gentleman a brilliant sally, to which he (Mr. Cobden) for one had listened with great pleasure and admiration, inasmuch as the charming declamation with which the right hon. Gentleman favoured the House was probably the last that survived of its kind, and, so far as it could be a substitute for arguments and facts, might be the last they would have in that assembly. Facts and arguments were wanting, and the only arguments and matters of fact which the right hon. Gentleman supported by his declamation were grounded upon the religious part of the question. He had told the House that the religious feeling of the people of Ireland and Scotland was opposed to this Bill; but, if that were so, the object of the measure did not violate that religious feeling. It was a permissive Bill only. It did not compel the people to violate their consciences, and practise the solemnisation of these marriages. The right hon. Gentleman had a religious bias upon his mind with regard to this question, which he did not conceal. To claim the ground for this argument, it was assumed that the authority of the Hebrew law was against these marriages. But such an authority never existed in the Hebrew law. Unlearned men like himself must resort for information on this head to the most erudite authorities among the Jews to see what had been the custom of that nation, and he found that the Chief Rabbi (Dr. Adler) had been called as a witness; and his testimony was the ablest piece of evidence recorded in the book. By that evidence, it appeared that so far from the verse in Leviticus being interpreted by the Jews in the same manner as it had been construed in that House by the Chancery barristers who had mystified the whole question, and turned the House into a sort of synod—so far from this, Dr. Adler told the Committee that such a marriage, so far from exposing the parties to

reproach or contumely, was considered proper and laudable, and that in cases in which young children were left by the deceased wife, the marriage was allowed to take place in a shorter period than usual. He (Mr. Cobden) held that to be conclusive. If they refused to admit it, what followed? That the great lawgiver of the Jews did, in giving the law to them, so far fail in his object, that he conveyed it to them in a way that was totally misunderstood and perverted, and that they had been living ever since in absolute violation of that law. He held, then, that the House, in considering this question, was bound to abandon all argument grounded on the sanction of the Bible, and to consider it as a purely civil question. ["No, no!"] He contended that it was strictly a civil question, notwithstanding the assertion that these marriages were a violation of religious duty. So far as this Bill was resisted from religious motives by the right hon. Member for Dungarvon, on the ground that it was repugnant to the religious feelings of the people of Scotland and Ireland, it just amounted to this—that because they had taken up this ground of objection themselves they would not allow other persons to marry who had no such religious scruples and prejudices. The opponents of the Bill were violating the rights of conscience, and were making it a question of religious liberty. In what position had they placed the Dissenters? He had had the opportunity of observing resolutions and expressions of opinion by Baptists and Independents unanimously passed and signed in favour of the passing of this Bill. The Dissenters regarded this as a question of religious liberty. And what did they say to the position of Dr. Adler himself, for example? He might be a widower, and might wish to marry the sister of his deceased wife, especially if children had been left for whom he was anxious to secure her care. His law and his religion tolerated, and not tolerated only but sanctioned and encouraged, such a union; and yet Dr. Adler might be prohibited from following out the dictates of his conscience, his inclinations, his law and his religion, because other persons chose to put interpretation upon the law different to that upon which the whole Hebrew people had always acted. He contended, therefore, that this was a question of civil and religious liberty, and the whole country was beginning so to regard it. The hon. Member for Maidstone had

alluded to the way in which meetings had been got up in support of this measure. He would ask the hon. Member whether he had ever heard of any public meeting that had ever been held on the other side? Would the opponents of the Bill venture to call a public meeting in any town in the kingdom in favour of a restriction of the kind they desired to perpetuate? Why, the reason of the public meetings which had been held on this question being dull and insipid, as it had been asserted they had been, was, that the sentiment that pervaded them was altogether unanimous; there was no opposition, nothing antagonistic to the measure out of doors. It was, he could tell them, very much a question of public opinion whether they could maintain this restriction or not. Those who were rich, by going to Denmark, might be able to solemnise these marriages if the Bill were rejected; those who were poor would go to the clergyman, and, omitting to state that there was any disability, would be married as a matter of course. The evils, social and legal, which resulted from the non-observance of the existing law, had been forcibly pointed out and demonstrated. He believed that public opinion was against the law as it stood, and in favour of the Bill. Public meetings had been held to resist the law, and to advocate the Bill; but where had been the public meetings on the other side? They talked of the demoralising principles of the Bill; but he told them that in this moral and religious country no law having an immoral object could be supported and sustained. Did they remember the petition presented by the noble Lord the Member for the city of London, signed by men as respectable and as influential as had ever affixed their handwriting to such a document, and including, he believed, all the bankers in London, with the exception of one firm? He would not go over the ground taken by the hon. and learned Member for Southampton with regard to the moral and social bearing of this question, further than to protest against the calumnious insinuations which had been uttered against the great body of the women as well as against the men of this country. In those insinuations the utterers were libelling themselves as well as others. Twist and turn their argument how they would, their boasted morality was but the result of an Act of Parliament, which might be altered and reversed were the *Act repealed*. Their argument amounted

to this—that their countrymen and countrywomen were prepared, unless restrained by Act of Parliament, to fall into the most abominable vices and crimes. It should be remembered that, generally speaking, those who would be relieved by this Bill were not young persons in the heyday of passion, but of maturer years, and who had passed through that ordeal of matrimony which had been described as the grave of sentiment, and who made choice of a wife from the homeliest and most domestic motives, and with a view to find a mother for the children who had been bereaved of their own. That was the object that had been avowed by almost every witness who had been examined, who had married a deceased wife's sister. Now, to forbid this marriage without better grounds than had been shown upon either religion or policy was a clear violation of conscience, and a clear violation of religious liberty, such as he trusted this country would not long tolerate. He found in the evidence many instances in which a wife on her death-bed, in the arms of her sister, surrounded by her children, had asked her sister to be a mother to her children, and had told her husband, whom she was going to leave, if he could, consistently with his own feelings, she would prefer his marrying her sister to any other person. He most heartily agreed with the hon. and learned Member for Sheffield when, in eloquent and truthful language, the hon. and learned Gentleman said that the highest and noblest relationship that could exist was that between brother and sister. It was the most disinterested love that could exist. If the Bill were passed, it was alleged that, as regarded the wife's sister, that holy relationship would be prevented. He denied the assumption altogether; it was a foul calumny on the women of this country to assume this as an argument, and he (Mr. Cobden) should be surprised if the right hon. Member for Dungarvon, and the hon. and learned Member for Sheffield, by the assumption of the principle that our women were only deterred from the vilest depravity by the force of an Act of Parliament, did not render them more careful in future in signing petitions to that House. The hon. and learned Member for Sheffield also argued that the feelings of the stepmother would supervene and overpower the feelings of the aunt towards the children; but he seemed to forget, in using that argument, that generally

widowers would marry again, and, if not with the sister of the deceased wife, with a stranger, and then how could the aunt have the guardianship of the children—and yet who so fitting for their care? He asked the hon. and learned Gentleman to put the question to any married woman on her deathbed, having a living family of young children, whom she would select as her husband's future partner for life; and whom did he suppose she would name, if it were within the limit of possibility, but her own sister? He defied the hon. and learned Gentleman to find a woman who, if compelled to the choice, would make any other answer. And when the right hon. Gentleman the Member for Dungarvon talked of the second wife walking over the grave of her sister, his answer to that taunt was, that if such a union took place, as it had in many instances, in compliance with the request of a dying mother, and a pious regard by the husband to the wishes of his departed wife, it was one of the most commendable, amiable, and holy acts that any man could perform. No ground had been alleged against this Bill but the religious ground, and that ground must be abandoned in that House. Was it because the people refused to follow a section in setting up the canon law against the Bible, that they were to be subjected to these restrictions upon their marriages? The rejection of this measure would be an invasion of both the civil and religious liberty of the country, and on these grounds he should give his earnest support to the second reading of the Bill.

MR. GOULBURN said, that when the hon. Gentleman the Member for the West Riding took upon himself to assert that those who resisted the Motion of his (Mr. Goulburn's) right hon. and learned Friend the Member for Buteshire, had abandoned the religious grounds upon which they rested their opposition, he felt it incumbent upon him to give the strongest and most earnest denial to a proposition so absolutely contrary to the facts of the case. If the hon. Gentleman had been present throughout the debate, he might have observed certainly a forbearance from entering into questions previously discussed, but no abandonment whatever of the religious principle. And he (Mr. Goulburn) was anxious to declare that he still adhered to the opinion that looking to the law of Leviticus these marriages were prohibited as contrary to the will of Him by whom that law was ordained. The hon. Gentleman

had thought fit to say, that this conviction was entertained only by a particular party in the Church. If there was such a party in the Church as the hon. Member had described, he (Mr. Goulburn) did not wish to belong to it; but, from his knowledge of the clergy, he was enabled to say, that whatever sides they might espouse in the particular differences that prevailed in the Church of England, the general feeling throughout the members of the Establishment was that of hostility to this measure. With regard to the law of Leviticus, he would assert, that if it were construed according to the principles applied to the construction of human laws, we could not avoid the conviction that it prohibited marriages of this particular description. By what principle should we proceed to ascertain the correct construction of the ancient laws of this country? Clearly first by ascertaining the practice which prevailed immediately after their enactment. Let the House then look at the practice under the law of Leviticus after its enactment. The hon. Gentleman the Member for the West Riding said, they should not deal with canons and creeds, that they should only look to the Bible. Well; then let the hon. Gentleman point out a single recorded instance in the whole Bible, after the promulgation of the law of Leviticus, of a Jew marrying the sister of a deceased wife. But Dr. Adler was brought forward upon this particular point, in opposition to what was found in Leviticus. But everybody knew that the Jews of modern days had corrupted the text of the Old Testament Scriptures. At an early period they had been justly charged with adopting traditions in preference to the law, and they had adhered to that practice since their dispersion. He could not therefore accept the evidence of Dr. Adler, in opposition to the practice as developed in the history of the Bible, at and after the promulgation of the Levitical law. Further, if we wanted a guide to the construction of a law, should we not refer to the uniform current of opinion among men who had studied the original language in which the law was written, and who, from their station and learning, had been placed in circumstances qualifying them to pronounce an accurate opinion. What was the result if the question, arising out of the Levitical law, was tried by this test? Why, that from the earliest periods the prohibition against these marriages had been justly maintained, as founded on that law by the



most learned men of the age. On a former occasion he had stated the concurrent testimony in ancient times as to these marriages being contrary to the divine law. He would repeat that now; but he begged to add, that at the period of the Reformation the translators of the Bible—men conversant with its language, and who cleared away all the corruptions that had been improperly introduced—declared with one uniform voice that the construction which must be put on the law of Leviticus was that of prohibition of marriage with the sister of a deceased wife. That opinion they publicly proclaimed in a table of degrees, stated to be founded on the words of Scripture, according as they (the translators) believed to be the true construction of the law. But this construction was not confined to canonists and ecclesiastics; it was confirmed by the law of the land. Originally the law of the land stated all the cases enumerated in Leviticus, and others drawn inferentially from them; and in the earlier statutes it was specifically mentioned that marriage with the sister of a deceased wife was a prohibited marriage; but in the latter statutes this detail was omitted, and it was merely declared that all marriages within the Levitical degrees were prohibited both by the Scriptures and by the law. What, then, had been the construction put upon that declaration by the courts of law? Uniformly in every court where the question had been raised, that marriage with the sister of a deceased wife came under the operation of the law of Henry VIII., which enacted that marriages within the Levitical degrees were contrary to the law of God. There had thus been the practice at the periods at and after the promulgation of the Levitical law, the current of precedent ever since, and the opinions of the most learned men upon the construction of that law, all uniformly against these marriages; and he might therefore safely ask, whether this was not testimony which, if applied to any other subject, either of civil law, or rights of property, would be admitted to be conclusive. The social part of the question had been ably argued by others; but he wished to observe, that if the measure passed, it certainly would not carry with it that peace to families, and that comfort to those who formed such matrimonial connexions, which some hon. Members were disposed to expect. Since the question was last debated, he had had *facts brought to his knowledge, which con-*

*vinced him that legislation of the proposed description would, in many cases, be powerless in restoring peace, or comfort to those for whom the House was asked to interfere. They might by Act of Parliament declare that a man should marry the sister of his deceased wife, and that it was not contrary to the law of God that he should do so; but so long as men exercised in this country the free right of private judgment, and of reading the Scriptures, it would be out of the power of Parliament to prevent the feeling that such marriages ought not to be contracted. He would state a case which had recently come to his knowledge. A man became a widower early in life. He married within the prohibited degrees, with a view to the education and care of his children. His family increased, and he had children by the second wife. At a later period in life he and his wife were satisfied, from perusing the Scriptures, that their marriage was contrary to the law of God; and they felt themselves under the obligation of separating, in order that they might not live in a state which they conceived to be incestuous. The children of the marriage had thus the misery of seeing those who ought to be their natural defenders, separated. Whatever, then, the provisions of the law might be, they could not operate upon the consciences of those who could not reconcile these marriages with their religious duty. Consider how the Bill would operate. A young widower, at a time when passion was rampant, and at a time of life not much given to consideration, might feel encouraged by such a law to enter into this particular union; but later in life, when passion had cooled, and more information had been gained as to the Scriptural grounds upon which the original prohibition rested, might come the time for bitter remorse and repentance. Then would he call down curses upon those who had tempted him into a crime which his conscience felt to be one of a deep dye. No legislation could prevent such a state of things; and therefore he entreated the House to consider well before they consented to pass the measure. The Bill, too, as had already been said, must necessarily lead to further legislation. It would be impossible to maintain the marriage law in the state in which this Bill would leave it. He could state cases in which it would be impossible for his right hon. and learned Friend to resist the claims that would be made upon him for further legislation.*

He would confine himself to one. By the law of England two brothers could marry two sisters. Suppose one of the brothers died, and the wife of the other brother died also. If there was a family left by each, who in the one case so natural a guardian of the infant children as the wife of the deceased brother; and who so natural a protector of the interests of the other children as the husband of the deceased wife? For the benefit of the children, then, nothing could be more desirable than that the two parties, the husband of the deceased wife and the wife of the deceased brother, being also the sister of the deceased wife, should live together; his right hon. and learned Friend's Bill declares, that for this purpose marriage between them must take place. But the law of the land as left after this Bill shall have passed will stop us and say, that no man should marry his brother's widow. And can it then be maintained that, if a man may marry the sister of his deceased wife, a woman should not be enabled to marry the brother of her deceased husband? If such a case of affinity were hereafter brought before the House, the claim to take off the restriction to marry with a brother's wife would be irresistible. It would stand upon precisely the same grounds in point of relationship as marriage with a deceased wife's sister; the same thing might be shown in other cases of affinity, and so gradually, step by step, the House would be led to remove all the restrictions imposed on grounds of affinity, and when they had come to that point, the arguments would be strong, valid, and effectual for increasing the facilities of divorce. It had been found in foreign countries, that where such relaxations prevailed in the marriage law, the facilities of divorce had grown exactly in the same proportion; and surely if it be thought right to sanction incestuous marriages in order to prevent illicit concubinage, it is not unreasonable to infer that divorce should be encouraged, in order to prevent adultery. [*Cries of "Divide, divide!"*] He would only, in conclusion, repeat his belief that these marriages were at variance with the law of God, and that they would entail upon nations who encouraged them the punishments which the law of God denounced upon such crimes. For these reasons, in addition to the social considerations which had been so ably advanced by preceding speakers, he should continue to offer his strongest opposition

to the Motion of his right hon. and learned Friend.

Mr. S. WORTLEY said, if he did not think that it was the unanimous wish of the House to come to a division he should not step in the way of any other hon. Gentleman who might be anxious to address the House; but the question had been so ably and so carefully discussed that the House must now be in possession of all the elements necessary for coming to a decision; and he could not regret the course the debate had taken, because it had not merely elucidated the various elements of the question, but it had narrowed the subject within a compass that brought it at once under the province and jurisdiction of the House. As regarded himself, he was happy to find that his purpose was no longer misunderstood. He was no longer supposed to be seeking to depart from the ancient law of the Church, or to interfere unnecessarily with the discipline of the Establishment, of which he hoped he was a faithful though a humble member. All that he was doing was to seek a partial qualification of a very recent Act of Parliament, an Act passed no more than fifteen years ago, which his hon. and learned Friend the Member for Abingdon had described as containing unjust anomalies, and to be founded upon an unworthy compromise. Although his right hon. Friend who had last addressed the House entertained the opinion that the measure was opposed to the divine law, yet there were others in that House who thought differently; and he would only repeat his conviction that there was nothing in the Old Testament or the New Testament against these marriages, whilst it was certain that they were allowed among the Jews. The whole subject had been referred to those who sat in Moses' seat, and as they found no prohibition to exist, he could not believe that any existed. With regard to the authority of the early Christians, he would state one strong circumstance. During the first 300 years of Christianity, when these marriages took place under the imperial law, among all the learned persons of those days not one wrote against them; and Chrysostom, archbishop of Constantinople, who attacked all the vices of the rich and the great, did not say a word against them, though they were well known to have been the practice at that period. He quite agreed with the hon. and learned Member for Sheffield and others in the high estimate they put, and the high value they set, upon the relation-

ship between sisters, and the sort of shadow of relationship that existed between a man and the sister of his wife; but he maintained that that feeling would still exist. It depended not upon human legislation, but upon the high moral principle and feeling which characterised the English people. These marriages were permitted in the United States, and yet society in that country was as pure as in England. How was the case previous to 1835? An hon. Member had said that by this measure we were disturbing every home in England. It was not he, however, but those who had passed the law of 1835, that had disturbed every home in England. He would not further interfere to prevent that decision for which all must now be so anxious.

The House divided:—Ayes 182; Noes 130: Majority 52.

#### *List of the AYES.*

Adair, H. E.	Dundas, Adm.
Adair, R. A. S.	Ebrington, Visct.
Aglionby, H. A.	Ellice, rt. hon. E.
Anderson, A.	Elliot, hon. J. E.
Anson, hon. Col.	Enfield, Visct.
Anstey, T. C.	Evans, J.
Armstrong, R. B.	Evans, W.
Arundel and Surrey, Earl of	Ewart, W.
Bagshaw, J.	Fagan, W.
Baines, rt. hon. M. T.	Ferguson, Sir R. A.
Baring, T.	Foley, J. H. H.
Barnard, E. G.	Forster, M.
Barrington, Visct.	Fox, W. J.
Bellew, R. M.	Freeston, Col.
Berkeley, hon. H. F.	Frewen, C. H.
Birch, Sir T. B.	Gibson, rt. hon. T. M.
Blair, S.	Glyn, G. C.
Blake, M. J.	Grenfell, C. P.
Blandford, Marq. of	Grenfell, C. W.
Bright, J.	Grey, rt. hon. Sir G.
Brocklehurst, J.	Grey, R. W.
Brockman, E. D.	Grosvenor, Earl
Brotherton, J.	Harcourt, G. G.
Bruce, Lord E.	Hardeastle, J. A.
Bunbury, E. H.	Harris, R.
Busfeild, W.	Hastie, A.
Buxton, Sir E. N.	Hatchell, J.
Cardwell, E.	Hawes, B.
Carter, J. B.	Hayter, rt. hon. W. G.
Caulfeild, J. M.	Headlam, T. E.
Chaplin, W. J.	Heald, J.
Childers, J. W.	Heathcoat, J.
Christy, S.	Heneage, E.
Clay, J.	Henry, A.
Clay, Sir W.	Herbert, H. A.
Clifford, H. M.	Herbert, rt. hon. S.
Cobden, R.	Heywood, J.
Cockburn, A. J. E.	Hill, Lord M.
Colebrooke, Sir T. E.	Hobhouse, T. B.
Currie, R.	Holland, R.
Dawson, hon. T. V.	Howard, Lord E.
D'Eyncourt, rt. hon. C. T.	Howard, hon. C. W. G.
Dodd, G.	Hume, J.
Duncan, Visct.	Hutt, W.
	Jackson, W.

Jervis, Sir J.  
Keppel, hon. G. T.  
Ker, R.  
Kershaw, J.  
Kildare, Marq. of  
King, hon. P. J. L.  
Labouchere, rt. hon. H.  
Langston, J. H.  
Lemon, Sir C.  
Lennard, T. B.  
Lewis, rt. hon. Sir T. F.  
Lewis, G. C.  
Littleton, hon. E. R.  
Loch, J.  
Lushington, C.  
Mackinnon, W. A.  
Mangles, R. D.  
Marshall, J. G.  
Marshall, W.  
Martin, J.  
Martin, C. W.  
Martin, S.  
Masterman, J.  
Matheson, A.  
Matheson, Col.  
Melgund, Visct.  
Milner, W. M. E.  
Milnes, R. M.  
Milton, Visct.  
Mitchell, T. A.  
Molesworth, Sir W.  
Moody, C. A.  
Morris, D.  
Mulgrave, Earl of  
Ogle, S. C. H.  
Parker, J.  
Pechell, Sir G. B.  
Pelham, hon. D. A.  
Peto, S. M.  
Pilkington, J.  
Power, N.  
Price, Sir R.  
Rawdon, Col.  
Rendlesham, Lord  
Repton, G. W. J.  
Ricardo, J. L.  
Ricardo, O.  
Rice, E. R.

Rich, H.  
Romilly, Col.  
Romilly, Sir J.  
Rumbold, C. E.  
Russell, F. C. H.  
Rutherford, A.  
Salwey, Col.  
Sandars, G.  
Scholefield, W.  
Scrope, G. P.  
Shafto, R. D.  
Sidney, Ald.  
Smith, J. A.  
Smyth, J. G.  
Smythe, hon. G.  
Somerset, Capt.  
Somerville, rt. hon. Sir W.  
Spooner, R.  
Stansfield, W. R. C.  
Strickland, Sir G.  
Stuart, Lord J.  
Talbot, J. H.  
Tancred, H. W.  
Tennent, R. J.  
Thicknesse, R. A.  
Thompson, Col.  
Thornely, T.  
Tollemache, hon. F. J.  
Tollemache, J.  
Townshend, Capt.  
Trelawny, J. S.  
Tufnell, H.  
Villiers, hon. C.  
Waddington, H. S.  
Wakley, T.  
Wall, C. B.  
Walmsley, Sir J.  
Watkins, Col. L.  
Wawn, J. T.  
Wilcox, B. M.  
Williams, J.  
Williamson, Sir H.  
Wilson, M.  
Wrightson, W. B.  
Wyvill, M.

#### TELLERS.

Wortley, J. S.  
Denison, E. B.

#### *List of the NOES.*

Acland, Sir T. D.  
Arbuthnott, hon. H.  
Arkwright, J.  
Baillie, H. J.  
Bateson, T.  
Bennet, P.  
Beresford, W.  
Berkeley, C. L. G.  
Boldero, H. G.  
Bowles, Adm.  
Bramston, T. W.  
Brisco, M.  
Broadley, H.  
Brooke, Lord  
Buck, L. W.  
Buller, Sir J. Y.  
Burrell, Sir C. M.  
Cabbell, B. B.  
Campbell, hon. W. F.  
Carew, W. H. P.  
Cayley, E. S.  
Chatterton, Col.  
Clerk, rt. hon. Sir G.  
Clive, hon. R. H.  
Clive, H. B.  
Cocks, T. S.  
Cole, hon. H. A.  
Coles, H. B.  
Compton, H. C.  
Currie, H.  
Deedes, W.  
Dick, Q.  
Divett, E.  
Douglas, Sir C. E.  
Drummond, H. H.  
Duckworth, Sir J. T. B.  
Duff, G. S.  
Duncombe, hon. A.  
Duncombe, hon. O.  
Dundas, G.  
Dundas, rt. hon. Sir D.  
Du Pre, C. G.  
East, Sir J. B.  
Edwards, H.  
FitzPatrick, rt. hon. J. W.  
Forbes, W.

Fordyce, A. D.	Packe, C. W.
Fuller, A. E.	Palmer, R.
Gladstone, rt. hn. W. E.	Palmer, R.
Gordon, Adm.	Patten, J. W.
Goulburn, rt. hon. H.	Peel, rt. hon. Sir R.
Graham, rt. hon. Sir J.	Peel, F.
Grogan, E.	Plowden, W. H. C.
Guernsey, Lord	Plumptre, J. P.
Hall, Sir B.	Portal, M.
Halsey, T. P.	Pusey, P.
Hamilton, J. H.	Raphael, A.
Heneage, G. H. W.	Reid, Col.
Ilenley, J. W.	Richards, R.
Hildyard, R. C.	Rushout, Capt.
Hildyard, T. B. T.	Seymer, H. K.
Hogg, Sir J. W.	Sheil, rt. hon. R. L.
Hood, Sir A.	Sibthorp, Col.
Hope, A.	Simeon, J.
Hornby, J.	Smollett, A.
Hotham, Lord	Sotheron, T. H. S.
Inglis, Sir R. H.	Spearman, H. J.
Jones, Capt.	Stafford, A.
Keating, R.	Stanley, E.
Law, hon. C. E.	Stanton, W. H.
Legh, G. C.	Stuart, J.
Lindsay, hon. Col.	Sturt, H. G.
Lockhart, W.	Sullivan, M.
Lopes, Sir R.	Taylor, T. E.
Mackenzie, W. F.	Tenison, E. K.
Mahon, Visct.	Thornhill, G.
Manners, Lord G.	Townley, R. G.
Maule, rt. hon. F.	Trevor, hon. G. R.
Meux, Sir H.	Turner, G. J.
Miles, P. W. S.	Tyrell, Sir J. T.
Miles, W.	Verney, Sir H.
Monsell, W.	Walpole, S. H.
Morgan, O.	Wegg-Prosser, F. R.
Mullings, J. R.	West, F. R.
Mundy, W.	Willoughby, Sir H.
Mure, Col.	Wodehouse, E.
Naas, Lord	
Newry & Morne, Visct.	
O'Flaherty, A.	
Oswald, A.	

## TELLERS.

Thesiger, Sir F.  
Wood, W. P.

Main Question put, and agreed to.

Bill read 2<sup>o</sup>, and committed for Wednesday next.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

## HOUSE OF LORDS,

*Thursday, March 7, 1850.*

MINUTES.] *Took the Oaths.*—Sir Albert Denison Denison, Knight (commonly called Lord Albert Denison Denison), having been created Baron Londesborough—Was (in the usual Manner) introduced; Samuel Jones Loyd, esq., having been created Baron Overstone—Was (in the usual Manner) introduced.

PUBLIC BILLS. 1<sup>a</sup> The Trustee Act, 1850.

2<sup>a</sup> Sunday Trading Prevention.

*Reported.*—Removal of Obstructions in Corn Trade (Scotland) No. 2.

## PRESBYTERIAN CLERGY IN THE NORTH OF IRELAND.

The MARQUESS of LONDONDERRY: I feel myself bound to state to the House, with regard to the letter I presented and commented upon on a former day [vol. cviii. p. 1276], purporting to be signed by the Rev. Mr. Rutherford, that letter turns out to be a forgery. I have received two notes with respect to the transactions in question, which I wish to lay on the table of the House. One of these is from the Rev. Mr. Dobbin, who wrote the first letter which I received, and which that gentleman does not now deny. But he states that he had no connexion with the letter purporting to come from Mr. Rutherford directly or indirectly; and that he has just seen Mr. Rutherford, who authorises him to say that the letter is an entire forgery. I have likewise a letter from Mr. Rutherford himself, denying the authenticity of the document purporting to bear his signature, and stating that he has not the slightest knowledge of the person by whom the letter was written. Now, my Lords, without reading these notes at length, I may leave them upon the table of the House for your Lordships to refer to; and I have only to add, that if I have been egregiously imposed upon, I submit whether it was not very natural that I should consider Mr. Rutherford's letter as genuine, when I read to your Lordships the words of that rev. gentleman, as reported in almost all the papers in the north of Ireland. [His Lordship then read some extracts from Mr. Rutherford's speech.] I have only further to state, that having received a letter from the Marquess of Downshire's agent, informing me that he did not get up the meeting to address his Lordship at Hillsborough, and that the matter was first mentioned to him by a respectable tenant—thence its origin—I can only say that I quoted from the press of the day, and I can now assure your Lordships that I very much regret stating anything disrespectful to the large body of independent tenants of the noble Marquess. I may take the opportunity of stating, before I sit down, that I have been induced by the matters in question, to address a letter to his Excellency the Lord Lieutenant, and that I have received an official answer from his Lordship, with every word of which I entirely concur. I only regret that his Lordship's secretary has thought fit to publish the answer without annexing to it the letter which called it forth.



# THE ABOLITION OF THE VICEROYALTY OF IRELAND.

The EARL of MOUNTCASHELL called the attention of the noble Marquess opposite to the rumours that the office of Lord Lieutenant of Ireland was about to be abolished. These rumours had gained ground, and the impression was universal that some such important change was about to take place. It was even stated that Her Majesty's Government was in communication with the Lord Lieutenant on the subject, and that a series of queries had been sent to be answered by the noble Marquess. He had now to ask whether or no the rumours to which he had alluded rested upon any true foundation? In case of the noble Marquess replying in the affirmative, he wished to make some observations upon the subject.

The MARQUESS of LANSDOWNE: The noble Earl has stated, that it was his intention to ask a certain question of Her Majesty's Government. Upon the part of that Government I am prepared to answer that question; but when the noble Earl says, that in the event of my returning a particular answer, he will make some observations on the subject, I apprehend he is decidedly out of order. If the noble Earl be not satisfied with my answer, it is open to him to give notice of a Motion upon the subject.

The EARL of MOUNTCASHELL: Then I merely put the question.

The MARQUESS of LANSDOWNE: The noble Earl has asked whether it be true, that the office of the Lord Lieutenant of Ireland is about to be abolished? It is not in my power to give the noble Earl any information as to the future intentions of Her Majesty's Government upon that subject. When any such important change is contemplated, due notice will be given of it to Parliament, and sufficient time will be allowed for its full discussion. The noble Earl may be assured that such will be the case; the more certainly, inasmuch as the abolition of such an office as the Lord Lieutenancy can only be effected by the decision of the Legislature embodied in an Act of Parliament.

## PARTY PROCESSIONS (IRELAND) BILL.

The MARQUESS of LANSDOWNE moved the Order of the Day for receiving the report on this Bill; and in doing so suggested, as the noble Duke near him (the Duke of Wellington) and another of his noble Friends, had given notice of Amend-

ments which might lead to discussion, that the most convenient course to pursue would be to lay these Amendments in a regular shape upon the table, and take them into consideration on the third reading.

The DUKE of WELLINGTON said, that he would willingly adopt the course suggested by the noble Marquess with regard to the clause which he was about to propose.

The clause was then read by the clerk at the table; and on the Motion of the Duke of WELLINGTON, it was ordered to be taken into consideration on the third reading of the Bill.

The same course was agreed to in respect of the Amendment proposed by Lord MONTEAGLE.

The EARL of ELLENBOROUGH gave notice that he would move, upon the third reading of the Bill to-morrow, that such an alteration should be made in the second clause as should place the justices exactly in the same position as to the exercise of their discretion with regard to going to a meeting, and proclaiming it, as that in which they were placed with regard to the dispersing of it. He said that he would move an addition to the clause to render its meaning clear.

Amendments reported.

Bill to be read 3<sup>d</sup> To-morrow.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, March 7, 1850.*

MINUTES.] PUBLIC BILLS.—1<sup>o</sup> Ecclesiastical Commission; School Districts Contributions; Vestries and Vestry Clerks; Poor Relief (Cities and Towns).

Reported.—Registrar of Metropolitan Public Carriages.

## MR. CAMPBELL AND MR. B. OSBORNE—EXPLANATION.

MR. B. OSBORNE said, he begged to claim the indulgence of the House for a few moments, whilst he addressed it upon a matter affecting its privileges. For three days he had attended in his place in that House in consequence of a correspondence which had taken place between himself and the hon. Member for Cambridge. To-day he had seen an advertisement upon the subject in the *Morning Chronicle* newspaper, and he had come down to the House at great personal inconvenience,

expecting to see the hon. Member for Cambridge, and found that he was not in his place [An Hon. MEMBER: He is here.] Then, if the hon. Member is present, perhaps it would be convenient to permit him at once to allude to a matter which had taken place in the course of a former debate.

MR. SPEAKER said, that comments on a former debate could not be made without trespassing on the rules of the House, but it was quite within the province of an hon. Gentleman to offer an explanation.

MR. HUME wished to know whether it was competent to Members of that House to publish advertisements in the newspapers regarding those debates?

MR. CAMPBELL did not know what connexion existed between the Member for Montrose and the conductors of the *Morning Chronicle*, which authorised the hon. Gentleman to interpret their paragraphs into advertisements. That he (Mr. Campbell) was the author of an advertisement in that journal, was an assertion not so much entitled, perhaps, to contradiction as contempt. It certainly was his intention to-day, upon the notices of Motion, to refer to a topic personal to himself and to the hon. and gallant Gentleman the Member for Middlesex. He had been informed, however, by the Speaker that the usages or wishes of the House would not support him in his object. The House, however, should determine his course on this occasion. ["Go on, go on!"]

MR. SPEAKER said, that the hon. Gentleman should confine himself to explaining any misrepresentation to which he had been subjected.

MR. CAMPBELL had suffered a two-fold misrepresentation on Thursday, Feb. 28th, at the hands of the gallant Gentleman the Member for Middlesex. He was ready to repel it at the moment. His friends upon the Treasury bench, for whom he entertained great respect, had, at so late an hour, dissuaded him from doing so. Since then he had acquired the materials of repelling it with greater clearness, and if the gallant Gentleman had been able to attend the House on Monday last, there would not have been so long an interval between his attack and the exposure of it. The attack related to the intercourse which in two successive years he (Mr. Campbell) had had with the inhabitants of Kensington, and to language he had been supposed to utter in the House while

referring to it. The hon. Gentleman here explained the nature of his intercourse with the inhabitants of Kensington, which had been solicited on their part, incurred at his own cost of leisure and convenience; and, on the first occasion, a public meeting, he attended at a twice-repeated invitation—requested in a manner which could not but leave upon his mind an impression of bad faith, ingratitude, and discourtesy on the part of those who had invited him. In spite of this, he had not applied to them the term "low," as he had been openly, repeatedly, and unreservedly reproached with doing by the gallant Gentleman behind. Not only had he never applied the term "low people" to the inhabitants of Kensington, but in none of the daily nor none of the weekly organs had he been reported to have done so. Such a fact spoke for itself. He (Mr. Campbell) would content himself with observing, that when a charge was brought by one Member of the House against another—still more if it was brought against a political opponent or a public enemy—its accuracy ought to be inquired into with more than usual rigour. On that occasion it was destitute of truth, and unsupported by authority. The hon. Gentleman was proceeding to state that his sentiments with regard to the lower orders were the reverse of those which had been imputed to him, and coincided with the speech of the noble Lord (Lord J. Russell) when—

MR. SPEAKER said, he was quite sure the hon. Member would see the necessity of abstaining from further pursuing the subject. Having corrected a misrepresentation which had been made on a former occasion, and having disposed of that, the hon. Gentleman would see that the greater part of the speech he had now addressed to the House ought to have been made immediately after the speech of the hon. Member for Middlesex had been delivered. The House was always willing to extend its indulgence when an hon. Member wished to clear up any misrepresentation of his character, but that indulgence ought to be strictly limited to such misrepresentations, and ought not to extend to any observations other than by way of correction, nor to the going into any other matter except that which related to the misrepresentations of which an hon. Member complained.

MR. CAMPBELL begged to thank the House for their indulgence, which he could assure them was not unappreciated by him.

and to express a hope that the statement he had made was calculated to produce an impression of his conduct towards the inhabitants of Kensington exactly the reverse of that which the hon. Member for Middlesex had endeavoured to establish.

MR. B. OSBORNE said, that after the long story which the hon. Member had favoured them with, it was almost unnecessary for him to trouble the House. So far from being the hon. Gentleman's "public enemy," he felt a kindly friendship towards him. On the part of his constituents at Chelsea, Hammersmith, and Kensington, he could assure him that he accepted his apology with the greatest kindness.

MR. CAMPBELL again rose to remark that no apology had been offered.

Subject dropped.

#### LIGHT-DUES.

MR. FORSTER wished to know whether it was the intention of the right hon. Gentleman the President of the Board of Trade, in conformity with the pledge he gave last year, to bring in any measure for the reduction of light-dues?

MR. LABOUCHERE said, it was quite true that at the close of last Session, when he announced that the Trinity-house, with the consent of the Board of Trade, were prepared to make large reductions in the light-dues, he stated that he should not regard that circumstance as debarring him from bringing forward a measure for the general regulation of light-dues. But he had not, as the hon. Member represented, pledged himself to bring forward such a measure during the present Session; and, having recently introduced measures of great importance connected with the mercantile marine, which had not yet passed a second reading, he should not be justified in pledging himself to bring forward this Session any measure on the subject to which the hon. Gentleman had referred.

#### OFFICIAL SALARIES.

COLONEL SIBTHORP begged to ask the noble Lord at the head of the Government, whether such appointments as had been made, or might be made, since the last Session of Parliament, would be subject to such reductions in their salaries and allowances as might be recommended by Parliament, and especially the recent appointment of the Lord Chief Justice of the Queen's Bench; and whether Lord Campbell accepted the same salary as Lord

Denman did, namely, 8,000*l.* per annum, instead of 10,000*l.*, as the Act of Parliament granted?

LORD J. RUSSELL would answer the last question first. He begged, therefore, to inform the hon. and gallant Member that Lord Campbell had accepted the appointment of Lord Chief Justice on the same salary as Lord Denman, namely, 8,000*l.* per annum. He ought to state that this arrangement with respect to the diminution of the salary of the office was made by a minute of the Lords of the Treasury, which had never been confirmed by Act of Parliament; and he thought it desirable to take the present opportunity of bringing in an Act of Parliament to regulate the salary of the Chief Justice. He had thought it would not be proper to bring in any measure on this subject without consulting Lord Denman; and he might state that such a measure would have Lord Denman's full consent and approval. From the time of the death of Lord Tenterden, when Lord Denman succeeded, the salary received by the Lord Chief Justice had been 8,000*l.*, and there could be no doubt that such would be the salary in future, because when Her Majesty's pleasure had been notified to Lord Campbell, he (Lord J. Russell) had communicated to Lord Campbell that the salary would be 8,000*l.*, and that a Bill would be introduced to carry that arrangement into effect. He should now beg leave to give notice of a Bill, and he might state, likewise, that he proposed by this Bill to reduce prospectively the salary of the Chief Justice of the Court of Common Pleas from 8,000*l.* to 7,000*l.* With regard to the other portion of the hon. Gentleman's question, namely, as to any appointments made since the last Session of Parliament being subject to such reductions as might be recommended by Parliament, he did not think he could state absolutely and generally that all appointments made since the last Session were subject to such a condition, because, of course, if the salaries of officers should be fixed by Parliament at a very trivial sum, that would be a great injustice to gentlemen who had accepted those offices in expectation of a salary such as was now affixed to them. But, after making these exceptions, he had informed persons who had accepted offices since the last Session of Parliament that their salaries would be subject to such reduction as might be recommended by Parliament. The noble Lord concluded by giving notice, that on

Monday next he would move for leave to bring in a Bill to regulate the salaries of the office of Lord Chief Justice of the Queen's Bench and Chief Justice of the Common Pleas.

MR. HUME wished to ask the noble Lord whether any arrangement had been made relative to a fixed pension upon the retirement of the Chief Justice?

LORD J. RUSSELL: On receiving notice of Lord Denman's retirement, the subject of the retiring pension came under the consideration of Her Majesty's Treasury, and when their decision has been made it shall be notified to the House.

COLONEL SIBTHORP begged to inquire whether Lord Campbell would continue to be a member of the Cabinet?

LORD J. RUSSELL: Lord Campbell has ceased to be a member of the Cabinet. Subject dropped.

#### KILRUSH UNION.

MR. P. SCROPE, pursuant to notice, rose to call the attention of the House to the social state of the union of Kilrush, in the county of Clare, and to move the appointment of a Special Commission to inquire into the same, and into the means that may be adopted for its amelioration. He proposed to give a history and to describe the state of one of those distressed unions in western Ireland which, he feared, was but a type of many others in similar circumstances. He did not bring this matter before the House simply for the sake of exciting their barren sympathy; but he trusted that his statement might have the effect of causing some suggestion to be made which might have the effect of rescuing that unhappy population from the fate which impended over them. The union of Kilrush formed the western extremity of the county of Clare; it projected into the Atlantic, in an acute angle. It was about forty miles in length from east to west, and scarcely three miles in its widest diameter across from sea to sea. The surface of the union was undulated, but not mountainous; it was land of various qualities, and he was informed that though there were some irreclaimable bogs, the land generally was capable of cultivation. Its area was about 150,000 acres; the population in 1841 was 80,000; and the valuation in 1845 was something under 60,000*l*. The poor-law inspector who, for the last two years and a half had managed this district was Captain Kennedy, whom he could not mention without ex-

pressing his admiration at the manner in which he had performed the arduous duties of his office. Captain Kennedy stated that the population are an amphibious people, as much fishermen as they are farmers, not following any regular course of life—occupying potato land, the rent of which was, occasionally, as much as 3*l*. an acre, though perhaps not worth more than 15*s*., subject to the casualties of the seasons, and receiving no assistance from their landlords. In fact, he produced it as a specimen of the strongest possible character of those mismanaged properties on the west and south coasts of Ireland. It was no wonder, therefore, that a population so circumstanced should have felt the pressure of the potato failure in 1846 and 1847 with overwhelming severity. Not only did they lose on that occasion the main subsistence of the population, but they remained exposed to the pressure of those exorbitant rents to which he had alluded, and to which they were legally liable. All classes suffered; and it was not to be wondered at that when the relief of 1847 was offered, there was a general scramble for it. The House would hardly credit it, that in the county of Clare alone the expenditure for the relief works amounted to 470,000*l*., and that in the union of Kilrush alone the expenditure in relief works, in about six months, amounted to no less a sum than 110,000*l*.—nearly double the rental of the union. Those Gentlemen who had looked into the reports of the Commissariat Department, and of the Board of Works Department, would be quite aware that in the union of Kilrush the relief intended for the destitute poor was not received by them alone, but was, in great part, distributed among friends of the relief committees. The temporary relief granted subsequently in the summer of 1847, under what was called the Soup Kitchen Act, amounted to 23,500*l*.; add that to the 110,000*l*. expended on relief works, and it will appear that in one year, ending August, 1847, this union of Kilrush received of the public money no less a sum than 133,000*l*. If that money had been well expended, he should not have objected to the amount; but it was expended in a manner that tended rather to increase destitution than to make the union self-supporting. At the close of the Session of 1847, the Poor Law Extension Act having been passed in that Session, the union of Kilrush, like the other



unions, was thrown upon its own resources. As the House was aware, he had always advocated the extension of the poor-law to Ireland as it existed in England; but he never for a moment imagined that in a union like Kilrush the poor-law alone would suffice to succour the distress. In 1846, he urged the introduction of a scheme for the reclamation of waste lands, which he hoped the noble Lord would introduce as a concomitant to the poor-law. But unfortunately nothing of the kind was done. The poor-law, and nothing but the poor-law, was passed. And what was the consequence? In August, 1847, the board of guardians of Kilrush entered upon their office. In the preceding month, no less a number than 51,000 of the inhabitants had been relieved under the Soup Kitchen Act, a proportion almost equal to two-thirds of the population. That was a mass of destitution to deal with that was enough to embarrass and to frighten any body of men, and he was not surprised that the board of guardians found themselves incapable of dealing with it. In August, 1847, they struck a rate, but the warrants were not issued for some months for the collection of that rate. It was perfectly well known that it was only in the autumn that either rents or rates could be collected in Ireland. The guardians of that union were themselves landowners or agents, and of course their great object was to collect their rents. The consequence was, that when Captain Kennedy was appointed on the 10th of November, 1847, as the inspector of that union, he found it in this state; he said that no rates, or next to none, had been collected; that the rate collector's warrants had been issued too late by a month, and that there was great distress in consequence—that there was nothing given but indoor relief—that deaths occurred frequently in the union house—that there were 21 in one week—that there had been 535 deaths altogether in the six months preceding—and that there was great want of clothing for the inmates. And he reported shortly afterwards that the arrears of rates were chiefly due from the guardians themselves. But while there was great slowness in the collection of rates, there was no hesitation in the creation of pauperism. Captain Kennedy was informed that no less than 6,000 notices to quit had been served in the union. In consequence the workhouses became overcrowded. The tide of destitution rolled in. Those

who were leaving their holdings in consequence of these notices came for relief, and some were admitted into the workhouses. The usual course was to admit them by way of testing their destitution, and then to turn them out for outdoor relief; but in the meantime their cabins were pulled down. Where were they to go to? Where did they go to? Why, into the bogs and the ditches. He feared the greater number of them had perished there through exposure to the weather in winter, with insufficient shelter, clothing, or fuel. In the middle of the winter of 1848, in January, there were 1,250 inmates in the workhouse, and 7,000 were receiving outdoor relief. The impotent were turned out of the workhouse to make room for the able-bodied. He wished to call the attention of the House to this point in particular. The impotent poor had a right to due relief under the existing Act, and that relief surely included lodging and clothing, as well as food, these being quite as much necessities of life as food. But these people were relieved out of doors with a pound of raw meat a day for each; they were almost without any clothing, some of them having been for two or three years in a state of destitution; many of them were without any covering at all by night or day; beyond platted straw, or remnants of rags falling to pieces. Upon this point Captain Kennedy remonstrated with the guardians; he urged them to make an allowance so as to enable the paupers to find shelter as well as food. They refused. He then applied to the Commissioners, who returned for answer that relief in food was not sufficient for the impotent poor, and that an allowance should be made to enable them to procure lodging and clothing. That was, however, refused, and the result was an amount of mortality fearful to contemplate, arising from the exposure of these poor people to the inclemency of the weather. The misery inflicted on the evicted poor was frightful. Captain Kennedy reported on the 18th February, 1848, that evictions and house levelling were going on most fearfully, and that on one estate alone 200 houses had been levelled within three months. In one small townland twelve died in one week, and five out of six in one family. He was confident one-third of the outdoor poor would be swept away by the ensuing summer. On March 7, 1848, the board of guardians was superseded, and vice-guardians were appointed, who, he believed, did

their best ; but, at the same time, the amount of destitution was daily on the increase, in consequence of these evictions. On the 30th of March, Captain Kennedy reported that 1,000 cabins had been levelled in that union within the last three months, and that he looked for a steady increase of paupers. On one small property twenty-three houses were demolished in one day, and the number of houseless paupers was beyond calculation. The evicted families crowded into some neighbour's cabin, and thus disease was generated. Meantime the workhouse and the fever hospital were crowded to the utmost extent. In a single winter, he reported that 900 houses had been levelled, and he expected that 500 more would be so. A list of evictions then made out, and authenticated by Captain Kennedy, showed that 2,801 persons had been evicted up to April, 1848 ; and upwards of 15,000 in the following thirteen months. That number had been largely increased since, but the publication of the lists then ceased. The frightful destitution thus caused might easily be conceived by the House. These returns of Captain Kennedy had been quarrelled with, and it was possible some mistakes as to individuals might have occurred. But it was said these persons had not been evicted, but had left their houses of themselves. The fact was, in some cases they had been proceeded against by civil bill, and arrested for the rent, in which case they were glad to compound for their liberty by agreeing to pull down their cabins. In other cases this had been done in their absence ; or they had been bribed, by a gift of 4s. or 5s., while in a state of starvation, and while relief was refused to them, to give up possession and pull down their houses. These details were of a nature to command attention. In January, 1849, the evictions then going on, Captain Kennedy described the mass of the people as still starving, and the land lying waste. He (Mr. P. Scrope) attributed this state of things to the want of employment, and the land being left uncultivated. He implored the attention of the House, as men and as Christians, to these statements. Mr. Phelan, the medical officer of the Poor Law Commissioners, had been sent to examine this union, and his report fully confirmed that of Captain Kennedy. It was evident that the amount of outdoor relief given was insufficient to preserve life. This destitution had continued through 1849. He (Mr. P. Scrope) had visited

the district himself, and seen the process of eviction going on. Not only did he see whole villages that had been left destitute, but others where the visit of the sheriff was expected every day. No country ravaged by a hostile army could have been reduced to a more deplorable condition. Had the county of Clare been invaded and overrun by an enemy, no doubt the Government would have stepped in ; but in this case the Government itself was the agent in effecting the devastation. In many cases the landlords were the originators of the process of eviction, and in others the Court of Chancery ; but in all cases it was the Queen's officers who gave the order for the destruction of the houses, and the magistrates, police, and Queen's troops were brought to the spot to prevent any possible resistance. But no resistance was given, and the unfortunate people suffered with a degree of patience which was worthy of more attention from a paternal Government. In the month of October, 1849, the vice-guardians of the union quitted office, and the board of guardians entered upon their functions, but they neglected for some time to make a rate, and, in consequence of the slowness in making and collecting the rate, they found themselves in want of funds, and the union became bankrupt. And, then, what was the resource ? They at once discharged all the outdoor poor from relief, amounting to 11,500 ; but several verdicts of "death from starvation" having been recorded, the board of guardians became alarmed, and again began to give outdoor relief, not to 11,500, but to 12,500 outdoor paupers. Again, on the 19th of January the relief was discontinued, as if for the purpose of an experiment, to ascertain how many persons would die, how many live without food ; but at the end of ten days or a fortnight it was recommenced, and had continued to the present time. Meantime, the workhouse was in a deplorable state ; food was wanting for the inmates ; for a week they were fed on turnips alone ; and the deaths in consequence increased from 21 in November to 71 in December, and 140 in January. These deaths were chiefly from diarrhoea, proving the insufficiency of the food. Crowds who came from a distance of fifteen or twenty miles to go into the workhouse were compelled to wait all day in the sleet or snow, and then return without an atom of food. Amongst those thus refused admittance, several deaths had occurred. Those who could not get relief

had to return in the night across an arm of the sea; and on one night thirty-five were drowned, from a crazy boat sinking with them. He must ask the noble Lord who was responsible for this refusal of relief? The guardians throw the responsibility on the commissioners, and the commissioners on the Government. The Act of 1847 was imperative in requiring the guardians to give outdoor relief; but they had refused to do so, and thus had caused many deaths. In England it had been held that the administrators of relief were criminally liable for the consequences of refusal; and the same construction had recently been put on the Scottish law. In Ireland the responsibility clearly rested on the guardians. It might be said that funds were wanted, that the rates could not be collected, and that the rate in aid was insufficient. But it might fairly be asked if all the powers given by the law had been enforced. Guardians might sell the land in arrear; but had this been done in any case? The whole amount of rate collected in the Kilrush union had been only 3*s.* 6*d.* or 4*s.* in the pound. The Government was highly blameable in not enforcing the means they had provided of ensuring relief. The right hon. Gentleman the Member for Taunton, when Secretary for Ireland, had said it was the first duty of Government to see that no one died of starvation; language to the same effect had been held by the Earl of Carlisle; but it was a fact capable of proof that thousands had died of starvation in Ireland; and hundreds, he believed, in the union of Kilrush alone. It had always appeared to him, that in the case of such unions from the first, two courses were open to Government—either to strike rate after rate, for the necessary relief of the poor, according to the principle laid down by Sir C. Trevelyan, until the proprietors performed their duty of employing the poor, for which there was so much room in the improvement of their estates; or they might, in the event of a union like Kilrush declaring itself unable to support its poor, have advanced money to employ the population, and, if the guardians refused to do so, have taken the matter into their own hands, and charged the owners of the estates with the cost of the improvements. Sir C. Trevelyan had stated, in a letter written in 1846, that that was the course which the Government meant to pursue in the Highlands; and had they acted on either of these principles, the course would have been successful.

But they had taken neither course; they had not enforced their duty on the landlords, but had continued to dole out dribbets of money from month to month, giving the landlords the best opportunity of clearing their estates by evictions, whereby thousands upon thousands were driven upon the rates, which never rose to above 3*s.* or 4*s.* in the pound, the Government making up the deficiency. This system had gone on to the present day; and in a short time the House would be called on to vote another grant for continuing it in this and other unions for perhaps other three years. There was but one mode of remedying the evil—to call on the landed proprietors to employ the able-bodied poor in works of arterial drainage, land reclamation or other improvements, &c., or else for the Government to do it themselves, and impose a lien on the land for the repayment. What he proposed, however, at present, only was, that a commission should be appointed to inquire into the facts he had stated, and into the condition of the Kilrush union. He had no doubt that many valuable suggestions would be obtained from such a commission as to the means of saving great numbers of the poor of that union from starvation and death. He had heard the noble Lord at the head of the Government the other night with great pleasure, when he described the many blessings which the poorest of Englishmen enjoyed under the constitution. The people of Ireland were equally entitled to the blessings of the constitution; but he should like to know from the noble Lord what the blessings were which that constitution conferred on the people of Kilrush. When an intelligent foreigner, M. de Beaumont, then Ambassador from France to this country, visited Ireland, he remarked as the result of his observations in that country, “that the Irish peasant died of hunger, though he was subjected to the law; and thus he had neither the freedom of the savage, nor the sustenance of the slave.” He (Mr. P. Scrope) believed that he had proved this evening with respect to one portion of the peasantry of Ireland, that to be a true statement, and he therefore called on the Government to appoint a commission, and to send persons to inquire into the condition of the Kilrush union, from whom they might receive such suggestions as would be the means of rescuing the unhappy population of that district from the graves which now yawned before them.

Motion made, and Question put—

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Special Commission, to inquire into the social state of the Union of Kilrush, and into the means that may be adopted for its amelioration.”

MR. FAGAN seconded the Motion.

SIR W. SOMERVILLE thought his hon. Friend did injustice to the House when he said there was an indisposition to listen to him whenever he attempted to call attention to the miserable state of a certain portion of the population of Ireland. But whatever reflection might rest on the House, certainly none rested on his hon. Friend himself, for he had on every occasion done his duty in calling the attention of the House to the unfortunate state of things which prevailed in certain parts of Ireland. In the present instance it was impossible for him (Sir W. Somerville) to allude to every particular brought forward by the hon. Member for Stroud, who had before him a long correspondence contained in the different series of blue books which had at various times been presented to the House, and had gone into a great variety of details, which it was impossible for him, unprepared as he was at that time, to answer. No person could read the correspondence contained in those blue books without feeling most painfully the distressed condition of this union. But, at the same time, no hon. Member could fail of perceiving that the condition of that union, even before the famine, was anything but flourishing, and that the famine, following as it did over the whole of Ireland, fell with increased severity upon that unfortunate district. The duty of the Government, then, was, as far as it possibly could, to meet that distress. Nothing could be more painful, as showing the intensity of the distress of that union, than the reports of Captain Kennedy; and the compliments which had been paid to the ability of that gentleman by the hon. Member for Stroud were well deserved. In order to meet the distress arising from the great extent to which evictions were carried on in that union and other parts of Ireland, the 11th & 12th Vic., c. 47, was passed, having for its object the protection and relief of the destitute poor evicted from their dwellings in Ireland. He was aware that it might be said that the Act had not been very efficient for its purpose; but it showed, at all events, that the Government had not looked upon this state of things without con-

cern. The hon. Member for Stroud had stated that these evictions were carried on by the Government, and that the Government were responsible for them. The Government was bound to administer the law as they found it. Was the hon. Member prepared to say that in all cases the Government should step in and prevent any step being taken to enable the proprietor of the soil to take possession of the soil, while those who occupied it did not fulfil their engagements? Such was the excited state of feeling upon this subject, that he felt it was difficult ground for him to touch upon, lest it might be said that he was an encourager of this state of things. But when the hon. Member charged the Government with the guilt of these evictions, he was bound to ask the hon. Member whether he thought the Government could step in to interfere between the relations of landlord and tenant, in the mode he had just described? His hon. Friend had traced the history of the Kilrush union through the last two or three years, and had cast a censure upon the commissioners with respect to the conduct of the board of guardians in that union in 1849. The facts of the case to which the hon. Member had referred, were, that the board of guardians had lost their credit, they had no funds, and they applied to the commissioners for relief to enable them to carry on the affairs of the union. The commissioners were of opinion that the board of guardians had failed in the necessary duty of collecting the rates; and, as it was a rule with the Treasury not to advance the public funds to any board of guardians which had not shown due exertion in the collection of the rates, they declined to advance the funds, and persisted in throwing the responsibility of that state of things upon the elected guardians of the Kilrush union. He believed that if the commissioners had recommended an advance to the union from the Consolidated Fund, the hon. Member for Stroud would have been the first to blame them for so doing. The hon. Member for Stroud next adverted to the second stoppage of relief on the 19th of January in the present year. That was a step which the commissioners were of opinion had been taken by the board in error, and they were desirous to avoid, as far as possible, having recourse to the extreme step of dissolving the elected board of guardians and appointing paid guardians in their stead. The hon. Member had concluded by moving for the ap-



pointment of a special commission to inquire into the case of the Kilrush union. He (Sir W. Somerville) did not see what practical good could attend the appointment of such a commission. It was impossible that the duties of such a commission could be confined to the Kilrush union; the inquiry would of necessity extend to the other unions in Ireland; and the returns, reports, and other information applicable to all the other unions, which were at hand, would afford a sufficient amount of information on this subject. The appointment of such a commission as that moved for by the hon. Member would only excite hopes which could never be realised, and would tend to prevent that self-exertion and self-reliance which must be the foundation of any great improvement in the Kilrush union, as well as in other parts of the country. He was aware that many hon. Members were very sensitive on the subject of the improved condition of the people; and if he were to express any opinion to the effect that an improvement had taken place in the Kilrush union, he would, no doubt, be instantly cried down as a prosperity-monger, indulging hopes for which there were no foundation. The facts, however, were, that the rates were now in due course of collection; the guardians were fully alive to their duty, and were exerting themselves creditably in the performance of their duty. The rates collected in the week ending December 29 amounted to 732*l.*, and the total sum collected in the two months after the rate was put in course of collection was 4,656*l.* So far, therefore, as the collection of rates was concerned, the progress was satisfactory, and there was no lack of funds at present in the hands of the guardians for carrying out the law in the union. Considerable advances had been made by Government from time to time to the Kilrush union, amounting in the two years ending December 29, 1849, to 23,000*l.* Since that period a sum of 500*l.* had also been advanced, towards enabling the guardians to give increased accommodation to the indoor paupers. Additional accommodation was afforded to 550 persons beyond the 3,162 who were before inmates of the house. During the week ending 23rd February, there were still upon the outdoor relief lists in the Kilrush union 12,470 persons. On the 9th of February, 1850, the number of persons receiving outdoor relief in the whole of Ireland was 140,000. In the province

of Connaught the numbers were 15,000, and in Kilrush and in the other unions of Clare the number was 35,000. Provisions were at present cheap; there was an unusual activity in the cultivation of the land, and the quantity of potatoes sown was fully as great as even in the period before the famine. If the hon. Member had any proposal to make on the subject of the improvement of the union, he (Sir W. Somerville) should be most happy to give it his full consideration; but with respect to the appointment of a commission, his opinion was that it would be attended with no practical good whatever, and would only excite hopes and expectations which, after all, might be doomed to disappointment. All that the Poor Law Commissioners could do in the matter should be done. There was an efficient inspector in Captain Kennedy, and if the guardians did not perform their duty in a manner calculated to meet the destitution which existed, the Government would be prepared to act upon their responsibility, and take such steps as the occasion might require. He hoped, therefore, that the hon. Member would not press his Motion.

MR. MONSELL said, he could not agree with the statement of the right hon. Gentleman the Secretary for Ireland as to the improvements which he stated had taken place in the Kilrush union. From the latest accounts he (Mr. Monsell) had received from that union, things were worse instead of better; and he was afraid that unless the Government were prepared to adopt some totally new and exceptional system as to that union, there was no hope of its condition being improved without the perishing and death of a considerable part of the population. As to the present state of that union, he could not do better than refer to the statement of Mr. Major, the assistant barrister, who a few days ago was holding the quarter-sessions. That gentleman said—

“That admitting there had been considerable improvement in other parts of the country, in this union our fellow-creatures are reduced to a condition unexampled in any time or country. The poor present a spectacle of wretchedness, which would be insupportable to the feelings of men, if they were not, as it appears to me they are, beginning to forget that these poor people are their own fellow-creatures. In the whole course of my life I never witnessed such patient agony. I protest that the sufferings of the poor in this union are beyond human endurance.”

With respect to the statement of the right hon. Gentleman of the increased room at

that moment in Kilrush workhouse, he must call his attention to the fact that hundreds of people had come from distant parts of the union, some sixteen miles, and had been allowed to remain the whole day at the door of the board of guardians seeking admittance to the workhouse; that their claims in many instances had not even been investigated; and that, without a single meal or the slightest assistance, they had been compelled to wend their miserable way. What chance was there, if the present system continued, of the condition of the people of that union being ameliorated—he said of the people, because he did not deny that undoubtedly the prospects of the union would be improved by the paupers dying off, as there would then be no rates to pay; and he believed that in many instances that was the way in which there had been an apparent improvement in the condition of certain unions. In Mayo, particularly, he believed it had been so. But he could not conceive they had any right to allow a system to prevail which only permitted prosperity in the social state to increase on the graves of a considerable number of the people. He had gone through the union of Kilrush twice, and had investigated the circumstances of it, and he believed that there was a sort of dead level there which Gentlemen who lived in the happier parts of Ireland could not imagine. He solemnly protested that a person might go for miles in that union without seeing the house of a man who deserved to be called a farmer: the miserable people, in the middle of a district capable of great improvement unable to work the land, and merely scratching up little patches near their houses—the only cultivation he believed in that district. How things were to come round under the present administration of the poor-law he could not comprehend. The only way to deal with this question was to admit that the present system was not suited to that district, and to adopt a new one. Let not the House imagine that the people in that union were not capable of working. There was no doubt they could soon be turned into useful labourers. Count Strzelecki, speaking of another union, which—with the exception, perhaps, of Kilrush—was about the worst in Ireland, said, he visited it in June or July last, and that he found there from 350 to 400 people cutting a canal; they were under the superintendence of an engineer

from Plymouth, he believed, and the engineer informed him that when he first went amongst those people they were in so abject a state that they could do no work at all; that the first thing he had to do was to feed them for a fortnight, and after that he had never met with so many men together who did better work, or were better conducted, or had more *esprit de corps* among them, or gave more complete satisfaction to their employers. If, therefore, some plan could be devised to bring the labour of these people into connexion with the land, the problem would be solved; but without it he was satisfied there would be no solution of it. Why should they not make an exceptional case of the people of Kilrush, as they did in the case of any great crimes that were committed, and supersede the ordinary operation of the laws in that union, and place the union in the hands of some person in whom the Government had confidence, as Mr. Twisleton or Count Strzelecki, giving him powers to tax the different portions of the union, and to decide to what purposes the money should be applied; some, perhaps for emigration, some for drainage, some for the cultivation of the land; and to have the power of charging it on the district that was so benefited by it? An hon. Friend of his had witnessed one of those evictions to which the hon. Member for Stroud had referred. Two or three persons were ejecting the whole district. He (Mr. Monsell) went about a week or fortnight afterwards to that district, and asked to be shown the people who had been turned out. If he could only make that House conceive the condition of the people, he was sure that they would at once decide that the present system should be abandoned within twenty-four hours. There was a yard not half so large as the floor of the House; a number of miserable cabins had been erected in it; and there were collected together seven, eight, or nine families in each of those cabins, without bedclothes, with hardly any clothing to cover them in the day, with nothing but the cold ground to lie on, without sufficient food, exposed to a number of miseries—any one of which he should have thought enough to kill them—and with a fever raging amongst them. They could not consent to such a state of things being allowed to go on. If these people had been employed—if there had been some person with arbitrary and dictatorial power in that

district to apply the labour of those people to the land, they would not have been called upon to pay 22,000*l.*, as they did last year; nor would they have been called on to pay to that extent this year, as he feared would now be the case; and those miserable people, instead of being an utter disgrace to the Government of any civilised nation would have been in comparative prosperity and happiness. He entreated the Government not to dismiss the proposition of his hon. Friend, but to allow a commissioner in whom they had confidence to proceed to Kilrush, and to inquire whether some such plan as that which he had endeavoured to sketch out could not be adopted. And he would ask the right hon. Gentleman the Home Secretary whether he could get up in that House and state his belief, that under the existing system that union should be brought round without the sacrifice of the lives of hundreds who were now living in it?

LORD J. RUSSELL: My hon. Friend who has just sat down has made a speech describing the natural effect of the scenes he has witnessed in Kilrush, and which undoubtedly does credit to his benevolent wish to improve the condition of the people of that union; but when I attempt to consider what the hon. Gentleman proposes as a measure which Government and Parliament should adopt, I own I am appalled at the evils which such a measure would lead to, because, in fact, what the hon. Gentleman says is, that the people of Kilrush being in a miserable condition, and the landlords appearing to neglect all the duties of landlords, and being only active in evicting the wretched people who had hitherto lived on a produce which no longer exists, the farmers being entirely without skill and capital, and only scratching the ground to obtain a crop, the State should step in and take the whole management of those affairs which are usually conducted by individuals—that the State should step in, and, in the first place, provide all the seed that might be required, all the agricultural implements that were necessary, and all the wages that might be required to enable the farmers to cultivate the land properly; and, having done this, and having gone to a vast expense, no doubt with immediate benefit, that I will not deny, by producing a good crop for the present year, and employing the people who are now living on miserable alms, then the proprietors of the land shall have the whole bene-

fit of their land being improved, the whole of this expense to which the State shall go of doing all these things ending in giving the fruit of it to the landlord.

MR. MONSELL begged the noble Lord's pardon for interrupting him, but the noble Lord had misunderstood him. He did not suggest that the State should give the funds; quite the reverse; the funds were to be raised on the electoral division in which they were expended, and he would also suggest the propriety, if the rate were not paid, of carrying out the very wise law passed last Session, for selling the land for payment of the poor-rates.

LORD J. RUSSELL: The way in which the hon. Gentleman stated, and as I understood, his plan, it would end in very great mischief if it were practicable; but as he now states it, it is, I think, quite impracticable, because you are now able to get the rate only with very great difficulty, and the amount is insufficient for the mere purpose of keeping alive those who would otherwise perish. It is, in fact, the State undertaking to farm the land, and to do what individuals ought to do, thereby incurring immense responsibility which the State ought not to incur, and immediately the hand of the State was withdrawn, all those evils would again arise. Why, in this very case, I myself read an interesting letter from a gentleman who has passed through some counties in the west of Ireland, and who has lately been through some of the best parts of that country, and he said that in those parts of the west in which there was the greatest misery there is a spirit of exertion, a determination to employ their utmost energies in obtaining a crop for the present year, which gave him very great hope of improvement; and it is curious enough that this gentleman began his letter by saying he had seen a report of a statement of mine in this House that some parts of Ireland were improving, which he disbelieved, and thought must be an exaggerated statement of the prospects of Ireland, but that he was now convinced by his own eyes, after this journey was made, that there were grounds for hope of improvement. But if you say, "Here is this union which shall have special assistance, which shall have a special fund devoted to its improvement—that the State will undertake to improve the farms," would they not say in other unions, "What is the use of our exertions in attempting to improve our lands, if those who neglect their duty are much better treated

by the State, and get all the benefit which we are denied?" I think that although the hon. Gentleman's plan might have success for the present year, with regard to the state of Ireland it would be of the most serious injury afterwards; and no longer should we have the hope that some of the most distressed parts of the country had passed through the worst crisis of that distress, and are now in the course of improvement. I regret to say there are other, and parts not hitherto so distressed, which do not give the same hope; but I must say on this occasion, as I am obliged also to say with regard to many other parts of Ireland, that there were certain exertions and duties to be performed which were not for the Legislature or the Government to perform. They are the duties of landlords and tenants to one another, and to their labourers, and when those duties are not sufficiently performed, no Legislature or Government can perform those duties for them. There is a change now going on in the operations of the Incumbered Estates Act of last year. If the operations of that Act were to extend to the Kilrush union—if it should so happen that the estates of the union were to be sold, and persons would buy them, I believe there is no superabundant population in that union. All the reports I have seen have stated that if the population were employed on the land, there are not more than sufficient for its due cultivation. I believe that when it is found, as the hon. Gentleman said, that there are labourers who would be quite ready to give their utmost exertions for nothing more than a very moderate and fair reward for their labour, that by means of the Incumbered Estates Act that union must be greatly improved. But I do not think that such a remedy as the hon. Gentleman proposes, of making an exception of that union, and cultivating the land by the resources of the State, would do anything more than set a bad example, and afford a mischievous precedent, which instead of improving, would end in making things much worse than they were before.

MR. HORSMAN thought that the Government could not be aware of the serious state of affairs in the Kilrush union, or the amount of responsibility which devolved upon them with regard to it. He had visited the union during the recess, and he believed that if any person had travelled through Europe during his whole lifetime, he would never have witnessed so much misery arising from the same cause

as he (Mr. Horsman) saw concentrated there in the course of a single week. It seemed to him that the right hon. Gentleman who followed after the hon. Member for Stroud stated a strong fact in confirmation of the necessity of inquiry, when he admitted that one-fourth of the outdoor relief administered throughout Ireland was administered alone in Clare. The noble Lord at the head of Her Majesty's Government had asserted that the State should not step in and do that which ought to be done by private individuals. But were they not every day doing that which the noble Lord asserted they ought not to do? Were they not at that moment advancing large sums of money to the Kilrush union, or at least postponing the payment of sums previously advanced? If, unable to support itself, that union came to look for assistance, was not the Legislature bound to couple the favour of a grant with certain conditions, in order to secure that in future a like occurrence should not take place, but that the funds so granted should be devoted to the improvement of the land and the employment of the people? He believed the absence of employment was the great evil. There was no indisposition on the part of the people to work; but the amount of money wages was so incredible that he would not shock hon. Gentlemen by mentioning it. In his opinion the right hon. Gentleman the Secretary for Ireland addressed himself more to the effects than the causes in meeting the proposition of the hon. Member for Stroud. He spoke of the rates being collected, and of there being plenty of outdoor relief; but his (Mr. Horsman's) hon. Friend the Member for Stroud wished to ascertain the cause of outdoor relief, and the necessity for collecting such heavy rates as compared with those levied in other localities. In dealing with the question of evictions, the right hon. Secretary for Ireland took delicate ground, and seemed disinclined to question the propriety of them, as well as to speak a word in vindication of them. It was all very well to speak of the "rights of property," but were there no rights of humanity or rights of life? If they went to first principles, who would deny that property was for the benefit of all, not the few? There was no law which told human beings they should die in hundreds. Under the circumstances in which they were placed, then, he thought they were justified in asking whether the cause of such misery as was described should not be traced, and



whether means could not be taken to attach certain useful conditions to the grants they were making? He confessed that the state of things was so much beyond parallel, that they ought not to refuse inquiry; for a state of things that did not arise from common causes, should not be dealt with in a common manner.

MR. HUME agreed in the statement of the noble Lord the First Minister of the Crown that any attempt on the part of the Government to become wholesale gardeners, and provide seed and labour, would be impossible. But that was not the question submitted to them. The question before them was, whether any portion of Ireland, Kilrush for instance, was unfortunately circumstanced, and whether there were any peculiar circumstances, and what they were, which had led to that miserable state of things. It was a fact that they had advanced money; and public money should not be given unless for purposes of improvement. Now, in granting a portion of the public money to Kilrush, might it not be well to inquire if the advances made to other unions had been repaid, why were they not repaid by Kilrush union? It had been stated that there was no spot on the civilised world that could be compared with Kilrush. Now was such a state of things creditable to the country or to the Government? Ought they not under the circumstances, as creditors of the union, to take every means of doing away with such a state of things? If the commission were granted they could repair to the spot and ascertain if the proprietors possessed capital, or were in a condition to employ that capital in the tilling of the land and employment of the people. If the state of things was found not to be so, he presumed the result would be a recommendation that the lands be sold, with a view to prevent further loss to the public. That was a course that might with safety be taken. If they found other places reviving and regenerating, and Kilrush retrogressing, surely that House would not be stepping out of its course in seeking information as to the cause of such retrogression. He, therefore, felt disposed to think that inquiry should be granted. They could not be worse off than at present; but the chances were they would be far better, and that they might arrive at a conclusion most satisfactory in the abolition of such a state of things.

COLONEL DUNNE said, that there was no man in that House, and certainly no

Irishman, who would refuse a commission if it would do the least good. The statements already made in the House showed that the distress in the union of Kilrush was unparalleled, and consequently one object of the commission was already attained. The other object of the commission was to suggest a remedy for that distress. The House had heard several remedies proposed within the last hour; but he did not believe that any one of them would be of the slightest use. The hon. Member for Limerick county proposed to place the union under the management of one commissioner, with unlimited power of taxation over the land. Well, but at this moment the district was in the hands of two Government officers, who raised what rates they pleased. He believed there was great mismanagement, and the report of the guardians showed it. He was opposed also to the principle of selling the land, for he was not aware why the people of Ireland were more responsible for the state of their country than the legislation which had been applied to it.

LORD NAAS said, that concurring in the views of the noble Lord at the head of the Government, that it was impossible for the State to interfere with the employment of the people, yet still, after what he had heard of the unprecedented state of misery that existed in the Kilrush union, he conceived that House would not be doing its duty to the unfortunate people if they did not show them that at least they were inclined to take some steps for their improvement. If the present were a scheme that required a great outlay of money, the success of which might be uncertain, they would not be justified in entering on such an undertaking. When it was merely for a commission of inquiry as to the actual state of affairs in a union, with a view to see if anything could be done to remedy them, he could not take on himself to vote against the proposition, no matter as to how he doubted of its success. It was plain, from everything they had heard, that the resources of the union were exhausted, and, consequently, that relief must come from extraneous aid. Captain Kennedy, in closing a correspondence with the Poor Law Commissioners on the subject of the Kilrush union, remarked "that the resources of the union were wholly inadequate to carry out the proposed measure of the commissioners." If the Government had come forward and stated that in the spring of the year mea-

asures would be adopted by them for the improvement of the country, there would be reason to hope. [Lord J. RUSSELL: There are various measures now in contemplation.] He had not heard mention made of one. However, as regarded the sale of land under the Incumbered Estates Bill, he believed if the property of the Kilrush union were disposed of to-morrow, and the product applied for the relief of the poor, the union would not be in as favourable a condition as it was in 1845. He begged to support the Motion of the hon. Member for Stroud.

SIR G. GREY said, that the noble Lord who had just spoken had expressed his despair that anything could be done to improve the condition of the union of Kilrush, although the commission was granted. Was there then any ground for supporting this Motion, which could lead to no practical results, and could only awaken fruitless expectation? Was it possible to have more perfect information with regard to the existence of the distress there than would be found in the papers which were already before the House, and the papers which had been moved for by his hon. Friend behind him? If any further information was required, they had two eyewitnesses in the House, the hon. Member for the county of Limerick, and the hon. Member for Cockermouth, who had laudably devoted a part of the recess to a personal inquiry into the condition of the union in question, nor did he know any one more fit to suggest plans to remedy it than those two Gentlemen. Was it likely that any commission appointed by the Government could be more capable of suggesting a practical measure of improvement than those hon. Members? But the noble Lord the Member for Kildare stated one other reason for voting in favour of the Motion, and that was that no measures were in contemplation by the Government for providing a specific remedy for the evils existing in the Kilrush union. It was certainly true that the Government did not contemplate any measure which had a special reference to the union of Kilrush, but there were measures in contemplation which were designed to promote improvement throughout the whole of Ireland, which he trusted would be of advantage to the Kilrush union. There could be no doubt that there had been a remissness in the performance of their duty by the proprietors of the soil in that union, and this was the precise class of

cases which were in the contemplation of Parliament when it was proposed to effect by legitimate means the transfer of land from persons who had not the means of giving employment to those who were able to employ labour. If land could be so transferred, he believed that the benefit would be felt not only by the population generally, but by the tenant farmers and the landlords themselves. And when his hon. Friend the Member for Limerick spoke of State control, he would remind him of what had taken place under the Labour Rate Act. His hon. Friend the Member for Montrose proposed that the Government should take possession of the property in the Kilrush union, and that it should be confiscated. [Mr. HUME: No, no!] Then, did his hon. Friend mean that the property should pass under the Incumbered Estates Act? If that was the case, he did not see how his hon. Friend could support the Motion of the hon. Member for Stroud. They had been told that the Government had gentlemen in connection with them who were fully competent to suggest other projects. He was not satisfied as to whether it was necessary to resort to other means, but he trusted they would rely upon the operation of the Incumbered Estates Act at present to see what effect would be produced. It was not the case, as the noble Lord the Member for Kildare supposed, that the Government was indifferent to the present state of things, or that they did not wish to encourage the employment of labour in Ireland; but they were unwilling to pursue a course which would encourage hopes and expectations which could not be fulfilled. He did not agree with the noble Lord that the resources of the Kilrush union were exhausted, but he believed that under the operation of the Incumbered Estates Act there would be a transfer of property from proprietors who were unable to perform their duties to those who were both able and willing to do so.

MR. H. A. HERBERT concurred in the reasons which had been stated by the noble Lord the Member for Kildare in support of this resolution, and, in addition, another reason which would induce him to do so was, that there was a disposition on the part of the Government to underrate the difficulties which existed in the circumstances of Ireland. The right hon. Baronet the Secretary for Ireland referred to the prosperity of most parts of Ireland; but with-

out calling him a prosperity-monger, he (Mr. Herbert) believed that there were many districts which were gradually getting into a worse condition. There were some districts which appeared to be better off in consequence of the diminution in the rates; but this had arisen from the circumstance of the death of a great number of persons in them, so that there was a smaller number of destitute persons to relieve; but still the greatest distress existed in these places. He believed, also, that there were districts which had not hitherto received relief from the Government, the resources of which were so much reduced that if something were not soon done, they would be by this time next year in a bankrupt condition, and the House would be called upon to vote them either a grant or a loan. He believed also that there were other unions in nearly as bad a state as that of Kilrush, and he would mention that of Listowel as an instance of what he meant. He recollected what had taken place last year as to the condition of some of these unions, and the observations that then fell from the right hon. Gentleman the Chancellor of the Exchequer. What then took place showed him (Mr. Herbert) how little dependence could be placed on the reports of the Government officers who had been deputed to investigate the condition of these unions, and who appeared to have transmitted to the Government reports of what they, or rather what the Government, wished to be the case, than a description of the real state of things. If the poor-law was left in its present shape, the unions of Listowel and Kanturk would soon be in as bad a position as that of Kilrush. While he was on the subject of the poor law, he trusted that he might be allowed to address the House, for a few minutes, in answer to some observations made on a former occasion by the hon. Member for Manchester, and in doing so he was not going to make any allusions in a spirit of hostility to the hon. Gentleman. The hon. Gentleman had made a statement in reference to an hon. Member of that House, and he had come forward with great candour to withdraw the charge which he had made when he was shown to be in error. He (Mr. Herbert) had been requested by one of the gentlemen who resided, and who was possessed of property, in the union alluded to by the hon. Member, to read an explanation as to the peculiar circumstances of that district. Unless it was a matter of absolute necessity to mention the name of the gentleman who

had sent him this communication, he would wish to decline doing so, as that gentleman had mentioned circumstances to him which struck him as being amply sufficient reasons why he should not do so. This gentleman, however, assured him, if the accuracy of his statement was contravened or disputed, he was perfectly ready to join issue on the matter and give his name, and also the authorities for the facts he stated. It was a statement regarding the Clifden union. It had been stated by the hon. Member for Manchester, that in this and other unions there were large arrears of poor-rates due by the owners of estates, and not by the occupiers of land. It was also stated that this was one of the unions in which the greatest portion of the property belonged to the magistrates—[Mr. BRIGHT said, he did not allude to this district when he made that observation.] At any rate the hon. Gentleman said that in this union a large amount of poor-rates was owing by the owners of the land, and also that a fair rental had been offered for some of the property, and had been refused by the proprietors. He was not about to say anything personal respecting the hon. Gentleman. He would read the letter, and previous to doing so he must express his belief that nothing could be more mischievous than to make statements in that House which would induce the House to take a different view of the state of things in Ireland from what they really were. The document was as follows:—

“ Clifden Union, County Galway.—Three estates, each of large extent, comprise about three-fourths of this union. The principal one is a part of the Martin estate, lately offered for sale in London. It is, and has for a considerable time been, in the hands of the Law Life Insurance Company, London. The nominal proprietor does not derive any income whatsoever from it, it continues for sale. The estate next in value had been for a considerable time in Chancery (though it formerly discharged all its engagements with perfect ease), and was taken thence by the Commissioners for the sale of Encumbered Estates, who now have it. Its proprietor has derived nothing from it since 1846; this is deposed to on oath in Chancery. The third estate has been for some years in Chancery, and is for sale. The present proprietor derives nothing from it. Up to the year 1845, the commencement of the famine, the tenantry on these estates were solvent, industrious, and well clad, and an excellent description of cottages was being built in several districts. The barony then was rapidly improving to a greater extent than any other part of Ireland. The town of Clifden was amongst the most rising. The landed proprietors were all residents, and the value of property increased. The peasantry were always well conducted. The kelp trade had been most lucrative until free trade put it down; it was

succeeded by the sale of sea weed to the interior and to other countries in such quantities, that, by a printed return to the Board of Works, it appears the tenantry of one estate sold 2,000*l.* worth annually. The export of grain from Clifden port was considerable, and goods which paid into the public exchequer 3,000*l.* in various duties were consumed in Clifden and its vicinity. Surrenders, pestilence, distress, alarm, and emigration, each year since the famine commenced, left townland after townland waste, whilst poor-rates continued to increase on the unlet as well as on the few occupied farms. The proprietors are censured by some uninquiring or unreflecting persons, for not having let their lands permanently at the rate they fell to whilst famine was raging. They would gladly have made temporary reductions, and anxiously desired a new valuation, for they were (and are) rated on rentals which no longer existed; but letting lands which are under the jurisdiction of Chancery could be done only by that court, not by the proprietary; and the affidavit of one of its receivers is on record to the effect that the value of the lands (even at their depreciated rate) had not been offered, and that the object of both tenantry and of new bidders seemed to be to take and to keep only as much as would not leave them liable to poor-rate. He wished particularly to call the attention of the House to what follows. In 1848 one of these proprietors tendered to the Hon. Mr. Twisleton, the Commissioner of Poor Laws, 1,000*l.* a year worth of land, which was then covered with two years' grass, to pay 400*l.* poor-rate due then, as people could be got to put grazing cattle on it if the collector of rates would undertake not to distrain until they had the benefit of the grass, when they would pay him as if it were rent, and the court would have consented, as it was for the advantage of the estate, and, of course of all claimants on it. The Commissioner expressed his regret that he had no power to prevent the instant seizure of the cattle, and expressed sympathy with the proprietor. The lands have been waste ever since, and the poor-rate has gone on increasing. Cutting the grass would only have been making hay for the collector, and those who did the work would not have been paid, as he had no authority to pay them. On the day the first stone of a huge poor-house was laid near Clifden, there were not five native beggars in the barony, and not twelve persons who would have accepted admission to a poor-house there. That large poor-house is now full, and three large auxiliary houses have since been taken; one of them is the castle of one of the oldest families in the province, who first opened a communication between Connemara and the inland part of the country by a road of thirty miles, and this family, the longest established in that district, will soon be expatriated. The mansion of the chief proprietor is now an inn. The proprietors of Connemara spent every shilling of their incomes in their native land—they never were absentees from Ireland. The family of the founder of Clifden Town, a man who spent his whole life in devising plans for the improvement of Connemara, will soon be left without one acre there."

He did not know this district personally, but he had thought it only fair to the gentleman who requested him to read this paper to do so, and it was only fair to prove to the hon. Member for Manchester,

who in his speech on a former occasion complained of the delinquencies of Irish landlords, and had shown them up, that he might make charges which were capable of a satisfactory explanation. He (Mr. Herbert) believed, if any class were interested in showing up the conduct of the owners of property who really did neglect their duty, it was the class to which he belonged, as much evil had arisen from the exaggerated and false statements that had been put forth. It was most mischievous, because a part of the proprietors of the land neglected their tenantry, that a charge should be made on the whole body. Let those who do not do their duty be pointed out, but do not make the charge in such a way that it should include all; for during that sad calamity which had afflicted the country there were many instances in that body of men who did their duty under the most difficult circumstances.

MR. BRIGHT: Sir, I cannot offer the least objection to the statement which has been read by the hon. Gentleman; for it does not, in truth, appear to invalidate anything which I said on a former occasion, with regard to the unions in the west of Ireland. Every statement which I made was made on authority which I believe to be quite as good as that which the hon. Member has just cited; and although, with regard to one point, having reference to a Member of this House, I have, on the authority of what I believe to be a trustworthy statement of that hon. Member, retracted what I had said in this House, yet with regard to the general statement of the non-collection of poor-rates from proprietors, and the fact that in certain unions the main part of the rates in arrear is due from the proprietors, and not from the occupying tenants, I believe that that statement is perfectly correct. Its accuracy may be proved by a reference to the newspapers of the west of Ireland; to the office of the Poor Law Commissioners; to the right hon. Gentleman the Secretary for Ireland, and to the authorities of Dublin Castle. But this is not in reality the question before the House; and I am rather surprised that the hon. Gentleman, supporting as he does the Motion of the hon. Member for Stroud, should have introduced this subject to-night, instead of reserving it, as I had understood that he would do, for the occasion on which the Advances Bill will be brought under discussion, when I had intended to enter into the matter more fully. From the speech



of the noble Lord at the head of the Government, and that of the right hon. Gentleman the Home Secretary, it might be inferred that some very serious propositions had now been made. I will not say that propositions have not been put forward by some hon. Members in which I cannot concur; but the terms of the Motion which is before the House, and on which we are about to divide, are these:—

“ That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Special Commission to inquire into the social state of the Union of Kilrush, and into the means that may be adopted for its amelioration.”

Well, now, I have heard a great many sensible, and some not very sensible, propositions with regard to Ireland from various Members of the House; but I never heard one yet, during all this period of calamity, which is more perfectly in harmony with the practice of the House, or which I should have thought more likely to meet with no objection from the Government, than that under consideration. Notwithstanding all the inquiries which we have had in reference to the condition of Ireland, I believe that the actual condition of that part of the county of Clare, to which the Motion refers, is but imperfectly known to the House. The inquiries which have taken place have not entered at all into the causes of this calamitous state of things; they have at most merely described the fact of certain evictions having taken place. The right hon. Baronet the Home Secretary is in the habit of instituting inquiries with regard to a variety of matters. He does not hesitate to order an inquiry with respect to an explosion in a coal mine, or an accident arising from the fall of a mill in Lancashire, or the bursting of a steamboat boiler on the Thames. Why then did he object to an inquiry in the present case? I have heard from very well-informed persons that, on a moderate calculation, one death is caused on the average by the eviction of one family in Ireland. I do not say that that statement is correct; but I think it might be easily shown that there is not much exaggeration in it, especially in an inclement season; the present condition of parts of Ireland being such, that when whole families are turned out, there are very few persons who are in a sufficiently comfortable condition to give them refuge by night, or food by day. There is one proprietor in this district of *Kilrush* who has evicted not less than 1,025

persons; that will give about 200 families, and if there be a death for every family evicted—and several persons have stated to me that such is the case—it follows that about 200 deaths have resulted from the evictions on this one estate. Now this estate is not the property of an embarrassed person—it is not in Chancery—it is not in difficulties, except indeed, the difficulty of being owned by a man who has, I take it, neither heart nor head. It is time that the attention of the Government were turned to this subject, in order that the population may find the means of obtaining a livelihood. Whether we have regard to political economy as a science, or whether we have regard to the morality of Christianity, the owner of that estate has no right whatever to come and sweep from the estate the population which exists there; and if he be not embarrassed, if he have money at his disposal, I say there is not a human being in existence who ought to be more generally scouted from society than the individual who could commit atrocities like those which have been brought before the House. Besides this estate, there are many others in a different condition. Many of the estates in the Kilrush union may fairly be described as bound up with settlements, entails, jointures, mortgages, and judgments, to such a degree, that it is impossible for them in their present state to be properly cultivated. It has been said, that some of these proprietors had never been absentees, but have spent every shilling that they had in Ireland. Why, that is precisely their fault: they have spent every shilling which they had themselves, and every shilling which they could get from anybody else. They are now in a position of irretrievable ruin, and the population, which would probably have been comfortable had they (the landed proprietors) been prudent, are in the lamentable condition which has been described. The hon. Member for Portarlington has a wonderful degree of sympathy for the landed proprietors of Ireland. I have equal sympathy for them myself so far as they have performed, or are willing to perform, their duty. The hon. Gentleman says, the Government, though it may tax, ought not to confiscate the land. I am of the same opinion. I do not wish the property of Ireland to be confiscated; but when it can be shown that the position of the union in question is such as has been described, I say that the proprietors concerned have no right to

ask for, or to expect, the sympathy of this House. The landed proprietors of Ireland are of two classes. There are men there—scores and hundreds, I believe—who are just as good in their class as any proprietors in the world. If it had not been for that, the whole country must have been in absolute convulsion long ago. It is partly for the sake of the character of this good class of landlands, that I am anxious that the bad class should be exposed. Moreover, I say that if laws were passed by this House at former periods, which are unsuited to the times in which we live, and under the sanction of which landed proprietors in Ireland have, through a long course of extravagance, brought ruin upon themselves and upon the districts in which they reside, it is the duty of this House and of the Government, without exhibiting so much squeamishness as is constantly exhibited here when the interests of landed proprietors are in question, to grapple with this state of things. I know perfectly well that if the question were one which affected the millowners of Lancashire, there would be very little of this sympathy. It has been stated that a rate of three shillings in the pound is paid in the district now under consideration. I should like to know what rents are paid in the Kilrush union. Three shillings in the pound is not a sufficient rate to levy whilst the proprietors of that union are continually coming to this House and asking for grants to the amount of 20,000*l.* or 30,000*l.* per annum. We have been offering a bonus to the proprietors to exterminate the people, and to neglect the cultivation of the land. The Government would act wisely if, through the medium of the Poor Law Commissioners, they were to send some honest and courageous person to the union to take the affairs of the union under his control. The moment the landed proprietors found the Government acting resolutely, they would rally round the guardians, and the affairs of the union would be managed better. A determination would be formed that the people should not starve, and increased employment would be afforded. The proposition of the hon. Member for Stroud appears to me to be of a very simple and unobjectionable character. He asks merely for the opportunity of obtaining more information on the case. I hope we shall also have more of the causes of these facts; for whether an inquiry be conducted by Count Strezlecki, by Captain Kennedy, or by the Devon Commission itself, I find a

glozing over of the real question. They never go into the operation of the laws passed to maintain what is called our territorial system. The causes of the evil are never sifted; the sore is never probed. The starvation of the people is always attributed to the potato and to Providence; whereas I believe it is traceable to the permanence which is given by the legislation of this House to old and stupid customs which were established long ago, and which are totally unsuited to a period when the population is so dense, and when, if the people are not employed in the cultivation of the land on commercial principles, nothing remains for them but starvation, and nothing for proprietors but an increase of poor-rates.

MR. O'FLAHERTY was not going to defend the landlords of Ireland, for he knew that there were some of that body who had neglected their duty, but others had exerted themselves to relieve the distress, but had not been able to do so much as they wished. As regarded the Motion of the hon. Member for Stroud, he admitted the humane feelings which had prompted him to bring it forward, but he doubted the expediency of appointing a commission to institute an inquiry into the state of this single union, as other unions were as badly off as that of Kilrush. With respect to Clifden, there was very great difficulty in dealing with the circumstances affecting it. He was the chairman of the union, and he could tell the House that the mortgagees of that large property to which so many allusions had been made, and who were now in possession of it, did not discharge their duty as landlords, for they had not paid one single farthing in the shape of poor-rates, although the other owners of property in the union had to pay up to the very last. This London company had taken possession of the land, but they would not do the least thing for the relief of the destitute poor on it. He was glad to be enabled to say that the poor-law was working in a more satisfactory manner than it formerly did, and also that the Incumbered Estates Act had been productive of much good.

MR. MOORE said, the only argument that had been urged against the Motion was that offered by the noble Lord at the head of the Government, that the proposition of the hon. Member for Stroud, and in particular the plan of the hon. Member for Limerick, would operate as a bonus and premium to those who neglected

their duty. He (Mr. Moore) believed, on the contrary, that the result of the plan would be just the precise reverse; inasmuch as the intent was that the onus and penalty shall fall on those who neglected their duty. For this reason he should support the Motion.

The EARL of ARUNDEL and SURREY observed, that no Member had refused to admit the extent of the distress in the union of Kilrush, and that it had never been exceeded, and also that the faults of the landlords in it were great, although the House did not actually know the circumstances which had led to the present lamentable results. He wished to join in the expression of praise that had been uttered with respect to the energy and humanity of Captain Kennedy, and at the admirable conduct he had manifested under circumstances of great difficulty. He must observe, that there was one landlord in the union of Kilrush who, he was happy to find, was an exception to the remainder. The gentleman to whom he alluded resided in the county to which he (the Earl of Arundel) belonged, he meant Colonel Wyndham, who, in the trying season of difficulty, had taken the utmost care of his tenantry, and every attention had been paid to their well-being, and the farms were in good condition. Therefore it was only an act of justice that this gentleman should not be combined with the other owners of property under the name of bad landlords. He should like to see an account of all the frauds and delinquencies which they had been told had been practised in these unions, and how the estates alluded to had been dealt with for a number of years back, so that any measures, however stringent, should be adopted, so as to prevent people dying from starvation. The people were in such a condition that, humanely speaking, he really did think they were not responsible for what they did. He would not have said this, if he did not feel strongly for their condition. The Motion, if carried, would show that there was a feeling of sympathy in that House for the condition of these poor people, and every friend of humanity should be obliged to the hon. Gentleman for having brought the subject forward.

MR. P. SCROPE stated that most of the hon. Gentlemen who had spoken on this occasion had admitted that this was a proper case for inquiry; but, from the course taken by the Government, it appeared that

nothing was to be done, but they were to go on in the same way year after year, as hitherto, against all hope. He believed this state of things might be put an end to if a sensible and firm man was sent down and opened the affairs of this union. Much employment might be found in this union in the form of arterial drainage, and in labour of that kind; and there would be ample security for the repayment of any advances of public money that might be made by the sale of this improved property. As to the Incumbered Estates Bill, he did not think there was an estate in the district that would come under it.

MR. F. FRENCH wished, before the House divided, to correct a mistaken statement made by the hon. Member for Manchester, who asserted that the rents in Ireland were fairly paid. [Mr. BRIGHT: I said nothing of the sort.] At all events, the hon. Gentleman endeavoured to persuade the House that the rents had been fairly paid. Now, in the west of Ireland, it was a common case that no rents whatever had been paid. In some places, upon the best managed property, two out of three years' rent had been lost. He was one who had never considered that the Government had taken a correct view of the working of the poor-law in Ireland, but, nevertheless, he saw no good object to be answered by the appointment of a commission of inquiry into facts that were already notorious, and that had been fully inquired into already. The appointment of the commission would, he thought, be more disastrous to the people than the rejection of the proposal.

The House divided:—Ayes 63; Noes 76: Majority 13.

#### *List of the AYES.*

Adair, H. E.	Gaskell, J. M.
Armstrong, Sir A.	Gore, W. O.
Arundel and Surrey,	Grace, O. D. J.
Earl of	Greene, J.
Bennet, P.	Harris, R.
Blair, S.	Heald, J.
Blake, M. J.	Henry, A.
Bright, J.	Hood, Sir A.
Brisco, M.	Horsman, E.
Brotherton, J.	Hume, J.
Buck, L. W.	Keating, R.
Chichester, Lord J. L.	Kershaw, J.
Collins, W.	Lewisham, Visct.
Devereux, J. T.	Meagher, T.
Duncan, G.	Mahon, The O'Gorman
Ellis, J.	Monsell, W.
Evans, Sir De L.	Moody, C. A.
Evans, W.	Moore, G. H.
Ewart, W.	Mowatt, F.
Fagan, W.	Muntz, G. F.
Fox, W. J.	Naas, Lord

Norreys, Sir D. J.  
O'Connell, M.  
O'Flaherty, A.  
Packe, C. W.  
Perfect, R.  
Pilkington, J.  
Plumptre, J. P.  
Prime, R.  
Rawdon, Col.  
Reynolds, J.  
Salwey, Col.  
Stanford, J. F.  
Stuart, Lord D.

Sullivan, M.  
Talbot, J. H.  
Tenison, E. K.  
Thicknesse, R. A.  
Thompson, Col.  
Wakley, T.  
Walmsley, Sir J.  
Wawn, J. T.  
Williams, J.

## TELLERS.

Scrope, G. P.  
Herbert, H. A.

*List of the NOES.*

Abdy, Sir T. N.  
Adair, R. A. S.  
Aglionby, H. A.  
Alcock, T.  
Armstrong, R. B.  
Baines, rt. hon. M. T.  
Barnard, E. G.  
Berkeley, Adm.  
Berkeley, hon. H. F.  
Berkeley, C. L. G.  
Blackall, S. W.  
Bouverie, hon. E. P.  
Brockman, E. D.  
Campbell, hon. W. F.  
Clay, J.  
Clive, H. B.  
Cobbold, J. C.  
Cowper, hon. W. F.  
Dick, Q.  
Duncan, Visct.  
Dundas, Adm.  
Dundas, rt. hon. Sir D.  
Ebrington, Visct.  
Elliot, hon. J. E.  
Evans, J.  
Fergus, J.  
Ferguson, Sir R. A.  
Fitzroy, hon. H.  
Foley, J. H. H.  
Forster, M.  
Fox, R. M.  
Freestun, Col.  
French, F.  
Glyn, G. C.  
Graham, rt. hon. Sir J.  
Grey, rt. hon. Sir G.  
Hatchell, J.  
Hayter, rt. hon. W. G.  
Hildyard, R. C.

Hobhouse, rt. hon. Sir J.  
Howard, Lord E.  
Jones, Capt.  
King, hon. P. J. L.  
Labouchere, rt. hon. H.  
Langston, J. H.  
Lewis, G. C.  
Martin, J.  
Matheson, Col.  
Melgund, Visct.  
Milner, W. M. E.  
Morris, D.  
Paget, Lord C.  
Parker, J.  
Peel, F.  
Pelham, hon. D. A.  
Pigott, F.  
Price, Sir R.  
Rice, E. R.  
Richards, R.  
Romilly, Col.  
Romilly, Sir J.  
Russell, Lord J.  
Rutherford, A.  
Sheil, rt. hon. R. L.  
Somerville, rt. hon. Sir W.  
Strickland, Sir G.  
Stuart, Lord J.  
Tancred, H. W.  
Thornely, T.  
Trelawny, J. S.  
Tufnell, H.  
Turner, G. J.  
Verney, Sir H.  
Willcox, B. M.  
Wilson, M.

## TELLERS.

Bellew, R. M.  
Grey, R. W.

## THE BALLOT.

MR. H. BERKELEY rose to move for leave to bring in a Bill to protect the Parliamentary electors of Great Britain and Ireland from undue influence. by the use of the ballot. He said that if he were in need of any apology for bringing forward this Motion, it was only because the hour at which he brought it forward was somewhat of the latest—[*it was then Nine o'clock*]. With respect to the Motion itself, he considered it of such deep importance, that until some hon. Member, more

competent for the task than himself, undertook it, he would continue to press it upon the attention of the House. He found in Her Majesty's Speech at the opening of this Session of Parliament a very sound constitutional maxim. It was to the effect "that by combining liberty with order, by preserving what is valuable, and amending what is defective, you will sustain the fabric of our institutions as the abode and shelter of a free and happy people." Nothing could be more constitutional, no sentiment could be more deserving of praise; but he submitted to the Government that where the Ministerial tree bore such blossoms, the people would expect to gather some fruit. The mere assertion of liberal principles unattended by liberal acts was much about the same as a strict observance of religious ceremonies without Christian deeds. He was there to ask the House and the Government to carry out the maxim as he had just quoted—"to preserve what is valuable," by jealously guarding the purity of election; and "to amend what is defective," by protecting the elector from the power of undue influence; and he fearlessly appealed to the arguments of former debates, as yet unanswered, and, as he believed, unanswerable, to prove that the ballot could achieve this desirable reform. He knew it was almost hopeless to make this question palatable to the House, but he hoped to increase his claim to their indulgence by avoiding as much as possible the arguments he had used on previous occasions. He considered the ballot to be the most popular of all those measures of Parliamentary reform which had been submitted to the House by his hon. Friends on various occasions. He considered it ought to be the primary step, because it was the stepping-stone to all other questions of Parliamentary reform. No constitutional reform could take place unless through Members sent to that House by those legally entitled to send them there. With the electoral body he had to deal, as at present formed; he sought not to remodel the formation, and he thought this less objectionable to the generality of Members, because in seeking it they sought to alter no existing institution. They sought merely to protect the elector in the discharge of a duty which they had entailed upon him, and because at present he was unable to discharge that duty, from the obstructions and abuses which had crept into our electoral system, and which were as notorious as the longitude and latitude



in navigation. This simple proposition, simple as it seemed to him, had always hitherto been met with lively indignation. Minister after Minister came down to that House driven to his wits' end to prove that some vital objection existed to a man discharging his duty *sub silentio*, even when it was confessed that he was unable to discharge it *viâ vocis*. This was, in his opinion, a very difficult question to argue against, while the arguments in favour of it were, he thought irresistible. The arguments against it had been gradually dwindling away—they had become “small by degrees and beautifully less,” until, at length, they had ended in silence and hard voting. When other questions of Parliamentary reform were brought before the House, there was no want of eloquence against them on the part of their opponents; but the moment the ballot was mentioned, hon. Members became perfectly mute. They shied and dogged the question by every means in their power. When Mr. Ward brought forward his Motion on the subject, in 1842, the same complaint was made, and the great difficulty then, as now, was to get the Government on their legs. The consequence was that people believed that they opposed the measure for other reasons than those which they assigned, and the people were ready enough to assign reasons for them. The people believed that they opposed the measure solely because they could not endure to see the upper classes and the aristocracy shorn of their undue and unconstitutional influence. The course he intended to pursue on the present occasion was to meet some of the objections which had been most lately put on record as arguments against the measure. He found that they had a fresh opponent in the field. He found that they had to contend with the right hon. Baronet the Secretary of State for the Home Department. That right hon. Gentleman was formerly a supporter of this measure. The brilliant eloquence, the acute logical powers of that right hon. Baronet, made him an undesirable opponent; while his high character, and the important position he held in Her Majesty's Councils, made his example most dangerous. It was for this latter reason that, feeling as he did his incompetence to cope with such an adversary, with some hesitation he had resolved to deal with the apostasy of the right hon. Gentleman, and to ask him to explain some parts of his conduct on this question. He begged to say

that he did not assume for a moment that any Gentleman was compelled always to remain of the same opinion. Grave statesmen and right hon. Gentlemen on both sides of the House had changed their opinions frequently, and with their opinions had changed their votes; and he must say, as an humble individual, that he had thought them perfectly right. There was the question of the corn laws, for instance, upon which the noble Lord the Member for London, the right hon. Baronet the Member for Tamworth, the right hon. Gentleman the Member for Ripon, and other great statesmen, had changed their opinions and votes; but, before they did so, they gave that House, the country, and their constituents the most complete, elaborate, and anxious explanation; and he submitted that if they had not adopted that course they would have appeared, in the face of the country, as so many unequivocal and naked rats. He (Mr. Berkeley) therefore maintained that hon. Members who changed their opinions on so important a question as the ballot ought to follow a similar course, and give to the House and the country a most complete and ample explanation. Now, how stood the facts of the case? In 1848, when he (Mr. Berkeley) had the honour to propose, and the great luck in that House to carry, a resolution in favour of the ballot, the right hon. Gentleman the Home Secretary did not vote. The friends of the Motion first became aware of the loss they had sustained by reading that melancholy ebituary of departed Reformers—the division-list of the House. The right hon. Gentleman appeared in the House on that occasion; but, like the phantoms in *Macbeth*, “come like shadows, so depart,” he came like a shadow and so departed—he pointed to his vote and glided noiselessly out of the lobby. When the hon. Member for Montrose brought forward the general question of reform, he (Mr. Berkeley) ventured to arraign the silent system, and then they had the right hon. Gentleman's explanation. And what did it amount to? It seemed that in 1838 the right hon. Gentleman voted with Mr. Grote in favour of the ballot, and when Mr. Ward brought forward the question in 1842 he voted with him also. The right hon. Gentleman said, that his reason for so voting was, that he then represented a constituency (Devonport) where undue influences prevailed, and that therefore he had been induced to give his reluctant support to the ballot. In 1847, however, the right hon. Gentleman

became Member for Northumberland, and as that was a pure constituency—as he was then breathing wholesome air—and as he had at length escaped from the foul atmosphere of Devonport, he thought it right to turn round and vote against the ballot; the reason he assigned being, that public opinion had of late acted so powerfully upon the upper classes that they had become politically virtuous. Surely never before had such a reason been given by any statesman for a vote. It had been laid down by Burke, that when a Member entered the House of Commons, he entered it as Member for all England, and that he should not attempt to legislate for the county, city, or borough which returned him, but for the community at large. He (Mr. Berkeley) left the House to say, whether, upon this principle, the right hon. Gentleman's reason for his vote on the subject of the ballot would hold water. He begged to call the attention of the Government to another extraordinary circumstance connected with the house of Grey. In 1837, Lord Howick, then Member for Northumberland, now Earl Grey, voted against the ballot, the reason he assigned for doing so being the same as that now assigned by his right hon. Relative, namely, the increased political virtue of the upper classes. In 1841, however, the noble Lord, having been defeated in an election contest for Northumberland, turned short round upon his former opinions about the increasing purity of the upper classes, and showed that he had been talking nonsense on the subject, for at the declaration of the poll at Alnwick the noble Lord made a most sweeping and unmeasured attack upon the Duke of Northumberland, Lord Tankerville, and his opponent, Lord Ossulston, for unworthy trickery, for unscrupulously violating their promises, and for unduly influencing the electors. [The hon. Member read extracts from *Hansard*, from the noble Lord's speech at Alnwick, as quoted by Mr. Ward in his speech on the ballot in 1842.] Mr. Ward on that occasion claimed the noble Lord as a proselyte, and challenged him to support him with his vote. The noble Lord, however, contented himself with walking out of the House without voting at all. It appeared, therefore, that the test of purity of political opinion in the mind of the family of Grey was a Northumberland election. If a Grey were rejected, straightway the community was plunged into the depths of vice; if a Grey were successful, the electors were

immediately full of virtue. But now as to the fact of the increased political purity said to be grown among the upper classes. There was a Committee which inquired into the corruption of the franchise in 1836. That Committee had evidence laid before it from all parts of England and Ireland, evidence which it was impossible for any one who had not actually read it to conceive. In 1848 he had quoted *in extenso* from that evidence, and proved that a general state of demoralisation characterised all elections at which anything of party spirit prevailed; and succeeded in establishing cases not to be upset—and he defied the right hon. Gentleman to upset them—of the grossest intimidation, corruption, and malversation, in every possible way, of the franchise. As an appendix to the report of that Committee, he had quoted the evidence *seriatim*, taken before almost every one of the Election Committees from that time to this—evidence proving that the same demoralisation, the same intimidation, the same corruption prevailed in 1848 and 1849, as in 1836. He would ask, which was to be believed in preference, the bald but bold assertions of individual Members, be their position what it might, or the evidence on oath taken before so many Committees, backed by the distinct statements of facts adduced by other Members of the House whenever the subject had been discussed? There was the distinct evidence of the hon. Member for Birmingham in 1848 and 1849, who stated, of his own knowledge, that no election for the great city he represented ever took place without at least 1,000 of the electors being prevented from voting by intimidation. The hon. Member did not mention the many hundred other electors, who on all those occasions did vote upon intimidation and against their consciences. The hon. Member who seconded his Motion in 1849—the Member for Macclesfield—showed, from his own experience, the state of intimidation into which the metropolis was plunged at every election; and he had himself given, on the same occasion, examples of the intimidation practised at particular elections. He challenged the right hon. Gentleman to show to the House what increase in political virtue had taken place in the upper classes in 1848, 1849, and 1850, that should supersede the goodness and expediency of the ballot, which he himself admitted, in 1838 and 1842. He presumed that the right hon. Gentleman would have the tact

to avoid, on the present occasion, the obsolete claptrap that formerly served a turn—about the unmanliness and the un-Englingshness, and so forth, of the ballot—the twaddle about its being cowardly to give a vote and conceal its object. The right hon. Gentleman must see that he might as well suggest it as cowardice for a man to use his watch and then conceal it, since the political intimidator and bully had no more right to your vote than the pickpocket to your watch. Nor, he conceived, would the right hon. Gentleman venture to suggest that the English people were less fitted now than in 1842 for the ballot, after the proofs which the Government had received of the sound sense, intelligence, good feeling, and loyalty of that people, in times of great excitement abroad, and sedition, nay, of rebellion at home. Perhaps, indeed, the right hon. Gentleman might contemplate the proposition that the people were less anxious about the matter now, because they did not so earnestly agitate the question. Let the right hon. Gentleman beware of such an argument as that, lest he confirmed what was said against his Government—that it refused to reason what it yielded to agitation—lest he justified the character of the Whigs given by that straightforward nobleman the Marquess of Anglesea, that they were a kind of tide-waiting legislators—that they floated in on the tide of reform, stopped when it became slack water, and floated back with the ebb. To those hon. Gentlemen who were now to carry out the Marquess of Anglesea's graphic metaphor, punting their boats about in slack water on this question, he would give the earnest advice to reflect maturely on the position of things in this year, 1850. The threat of Gentlemen on the Opposition benches to appeal to the country must be ringing in their ears; and, ringing there, it could not but bring to their minds the last appeal of the same sort which led to the general election, under the contending banners of free trade and protection, in 1841, and to the results of that contest. If the appeal then was an appeal to demoralisation, what would an appeal now be? It would be an appeal in which wealth and power, putting on the screw to its last round, would override the towns, and stalk over the counties, trampling on the chartered rights of the tenant farmers more boldly, more basely, more unblushingly than ever. It would be an appeal to strength to dictate to weakness—an

appeal to wealth to deal with poverty—an appeal to the House of Lords to elect the House of Commons. He would say one word as to the vain attempts of recent legislation to deal with the least of the evils of the present electoral system—the evil of overt bribery. They had made laws stringent enough against overt bribery, but they had entirely omitted the prevention of secret bribery, and of that intimidation by exclusive dealing, which contained within itself the principle of bribery. They had, in short, strained at the gnat, and swallowed the camel. Exclusive dealing was the right arm of intimidation—the essence of bribery, in its very worst form. In the case of simple bribery you gave a man a reward for selling his conscience; you, perhaps, saved him and his family from ruin, from starvation, and in some cases a positive good might accrue, though no excuse might be taken as an extenuation. But in exclusive dealing you punished, you perhaps ruined, a man and his family, because he followed the dictates of his conscience, and there could be no doubt which was the worse offence. Again, they had passed a measure by which it was impossible for a man to stand against treachery and rascality; he referred to their law of agency, under which agency was definable to be a man's walking arm-in-arm with a candidate, or being seen in his committee-room, or placarding one of his bills, or wearing his colours, and so on, the further fact of any such person afterwards giving a sovereign to an elector being deemed sufficient to eject a candidate, if elected, from his seat. He had on this point consulted many of the most eminent election agents, and they were unanimously of the opinion that, under this law, after a general election, there would be more seats unjustly declared void on petition than had ever been declared void before, justly or unjustly, from the utter vagueness, and unlimited extent, of the definition, and the wide field given to stimulation of agency. He had urged this question on the House in the honest conviction that it was a measure due to the people of England, to the constituencies who elected that House, as a measure called for by justice and by humanity; and he now committed his short sketch to them, prepared to receive counter conviction from any man who could furnish him with it.

Motion made, and Question put—

“That leave be given to bring in a Bill to protect the Parliamentary Electors of Great Britain

and Ireland from undue influence, by the use of the Ballot."

LORD DUDLEY STUART seconded the Motion. His hon. Friend had endeared himself to the people by his able, unyielding, and not always unsuccessful, advocacy of this most important principle. For be it remembered that there was now, on the Journals of the House of Commons, a resolution to the effect that, in the election of Members of Parliament, the votes of the electors ought to be taken by way of ballot. He believed that this was the darling measure of the people, and that it was one to which they were most justly entitled. It was demanded alike by all who possessed and by all who sought the franchise, as the only means of giving them the secure exercise of that franchise. Without the ballot, the elector could never substantially enjoy the vote which the constitution gave him. The ballot was alike his due, whether he claimed the franchise as a trust, as a right, or as a privilege. In relation to its character as a trust, it was objected that those who so exercised being responsible for its exercise to the non-electors, could not consistently conceal its application; but this argument, at all events, could not be justly held by those who resisted an extension of the franchise on the ground that the people were not yet fitted for it; since, if they were not fit to vote, they were equally unfit to control a vote. If any persons doubted the extent to which undue influence prevailed, he would ask them to look at the different constituencies, and see whether there were any in which numerous electors did not abstain from voting through fear of incurring the displeasure of influential individuals, or from the hope and expectation of some reward. Now, the ballot would, on the one hand, prevent intimidation, while on the other hand it would prevent the possibility of corruption. He felt it difficult to believe in the sincerity of those who opposed the ballot on the ground that it would promote deception and encourage a spirit of disingenuousness, and that it would be found ineffectual for the object it was intended to accomplish. He believed the opposition offered to the ballot arose from a love of power. Its opponents could not divest themselves of a notion that they had a right to direct and govern the votes of those who lived on their estates, or with whom they dealt. They were averse to the measure because they had no confidence in the people, and they had no confidence in themselves. They talked

about the just influence of property; but what was the just influence of property? It was this—that when a possessor of property was a humane and considerate man, he would be respected and looked up to by those around him, who would be anxious to know his opinions, and who would probably in most cases be guided by his views; but anything beyond that was tyranny. If it were considered desirable that property should have more influence, that House had better pass a law providing that people should have votes in proportion to their property. That would be preferable to the present system, which pretended to give people votes, but which was nothing better than a mockery and delusion. It was said that the ballot would be ineffectual to accomplish the object it was intended to effect. He would admit that that might perhaps happen in some small places; but the conclusion to which he came was, that the franchise ought not to be continued in such small places, but that larger bodies ought to be invested with the right of electing Members of Parliament. He would not say that he considered the ballot would be a panacea for all evils, or that it might not be attended with some disadvantages as well as with great advantages. He was not in favour of doing things in secret, and he thought it would be much better if all electors had the manliness and independence to exercise their franchise, without deferring to the influence of others, and also if persons in the higher classes were too high-minded to stoop to intimidation and corruption. But they were to legislate for men, not as they ought to be, but as they are; and when he knew the situation to which families had been reduced because electors had given their votes conscientiously, he considered that they ought not to call upon men to make such sacrifices for the enjoyment of the privilege or right which the constitution had placed in their hands. It was said that the ballot would be useless, because the electors would themselves divulge in what way they had voted; but was it likely, when it was important to a man that his vote should not be known, that he would be so great a fool as to proclaim for whom it had been given? He (Lord D. Stuart) thought, however, that it was likely, after a time, that the habit of concealing votes would be laid aside. He believed that if they had the ballot the rich and powerful would by degrees abandon their attempts to tyrannise and to corrupt;



that things would then be placed upon a better footing; and that the people would not be anxious to conceal their votes. In the recent discussions on the Irish franchise, they had heard something from hon. Gentlemen opposite of the leaven of democracy, and of that House proceeding in a downward course. He was not afraid of the leaven of democracy; he wanted the people to have the constitutional right of electing their own representatives, and he considered that, when that House was really and truly elected by the people, and was more in harmony with their wishes and desires, so far from being lowered it would be greatly elevated. He believed that the ballot would tend to the general welfare and benefit of the nation; and the Motion before the House had therefore his hearty concurrence.

SIR G. GREY said, he would not occupy the attention of the House for more than a few minutes; but as the Mover of the resolution had devoted a considerable portion of his speech to a review of his (Sir G. Grey's) conduct upon this question, he would in a very few sentences gratify the hon. Gentleman's curiosity, by informing him what were the opinions he entertained, and what course he intended to take on the Motion before the House. He differed from that hon. Gentleman in his estimate of the importance of the ballot. He (Sir G. Grey) never had stated that he considered the question one of vast importance; and when he had supported a Motion for the ballot, he had said that he had no great confidence in the success of the plan. He had supported it, however, in deference to the opinions of a large body of constituents, to whom he owed much, and who had given him most disinterested support. That constituency, by petitions addressed to that House, had certainly persuaded him of their desire to obtain the ballot as a protection for some of their number, with regard to whom he stated at the time that he thought undue influence had been exercised, and for whom he endeavoured, in the absence of other means, to procure the protection they required. He agreed very much in the opinion which had been expressed a few nights ago by the hon. Member for Middlesex, that the advantages and evils of the ballot were both greatly exaggerated. The more he had heard the question argued, and the more consideration he had given to it, the more satisfied he was that so far from preventing bri-

bery, the ballot, if adopted, would in some constituencies greatly facilitate the commission of wholesale bribery, and in most constituencies would render it difficult to bring home acts of bribery to particular parties. At the same time he thought there were cases where the power of giving secret votes might enable honest voters to exercise the franchise according to their own judgment and conscience, free from external control. He believed, however, that in the vast majority of cases the ballot, if adopted, would be wholly inoperative. He did not think it would be a panacea for intimidation or bribery. He considered that publicity was of the very essence of our elective franchise. He would say nothing about the ballot being English or un-English, but it was notorious to all who had had any experience in contested elections that the record of the vote is not, in 99 cases out of 100, the first indication of the intention and opinions of the voter. Where the political opinions of candidates were marked and distinct, and where the great majority of the electors were politically divided into marked and distinct classes, the relative strength of parties was well known, and the candidates knew upon what voters they could rely. He believed that if secret voting were adopted, publicity would still remain as the very essence of our electoral system. The question, then, was—whether it was necessary or expedient to adopt the ballot for the protection of a minority of voters? He had stated that, on the occasion which had been referred to, he had, in deference to the expressed wishes of his constituents, but with hesitation and reluctance, given his support to the purpose for the adoption of the remedy they had suggested. The hon. Member for Bristol had said that he (Sir G. Grey) stated last year that the political virtue and purity of the upper classes had so far increased that he (Sir G. Grey) thought the ballot no longer necessary. The hon. Gentleman had invented that speech for him. He had used no such expression. What he had said was, that of late years the growing influence of public opinion had produced a much more powerful check than formerly existed against the use of those undue means which had been frequently exercised with a view to induce electors to vote contrary to their opinions. The hon. Gentleman would see that that was a totally different thing from extolling politi-

cal virtue and purity. He (Sir G. Grey) had spoken of public opinion as expressed through the press, in the country, and in that House, and of the exposure which followed attempts to intimidate or corrupt electors: and he believed that this afforded a better security than any law that could be adopted by the Legislature for altering the mode of voting. He believed that if they were to adopt the ballot, they would not protect that class of electors who, with known political opinions, wished to abstain from voting. Their opinions being known, electors might still be prevented from voting, or compelled to vote by undue influence. With regard to the various lights in which the franchise was regarded, he differed from those who treated it as a mere privilege, for he considered the franchise, not as a mere privilege, but as a trust conferred for the benefit of the community, and there was much force in the argument that should therefore be exercised in the face of the community. These considerations induced him, in the exercise of his own judgment, which he felt bound to follow, under the present circumstances of the country, when there was no indication of any earnest desire for the ballot, when there was no expression of public opinion on the subject, and when he believed the people generally did not desire it—although the hon. Gentleman the Member for Bristol had by a lucky accident, carried his Motion by a narrow majority last year—to decline to concur with the hon. Gentleman in the change he proposed—a change which he (Sir G. Grey) believed would confer advantages upon a very small portion of the community, and which advantages would, in his opinion, be counterbalanced by the evils with which it would be attended.

MR. M. GIBSON, amid loud cries of "Divide!" said, that this was by far too important a question to be decided without discussion. It seemed there was impatience at the slightest discussion on the question of reform. Why, hon. Gentlemen opposite had called for a division before the right hon. the Secretary of State for the Home Department had an opportunity of declaring the views of the Government. [Sir G. GREY: My own views only.] He was glad to hear that the ballot was to be an open question. Now, he wished to make a remark to agricultural Members especially, who seemed so impatient. The hon. Member for Buckinghamshire had lately ex-

patiated much on the importance of having the independent voice of the tenant farmers of England expressed in Parliament. The hon. Member was desirous that the opinions of that class should be obtained free from all external influences, and that they should be treated as an intelligent and independent body of men. He (Mr. Gibson) was prepared to treat them in that spirit; and for that purpose he would give them the protection of the ballot, in order that they might give their unbiassed votes at elections. The right hon. the Secretary of State had said, that when he voted for the ballot, he had done so in deference to the generally expressed opinion of those electors who sent him to that House; and he (Mr. Gibson) could tell hon. Members opposite that if they adopted a similar line of conduct—if they voted in deference to the opinion of the tenant farmers, they would also vote for the ballot. The right hon. the Secretary of State had said the ballot would be inoperative in the great majority of cases. If so, where was the danger of making the experiment? But it could hardly be called an experiment, seeing that it was in full operation in many other countries; and he would venture to say, that in no country wherein it had been adopted, would you find the electoral body willing to relinquish it. But with regard to its being inoperative in the great majority of cases, it was for the sake of the minority by whom it was required that his hon. Friend brought it forward. It was precisely for that minority of cases, where undue influence was exercised, that the ballot was required. Therefore to say that it was inoperative in the great majority of cases was to say nothing. You might apply the same rule to your police or your criminal law, that in the great majority of cases they were inoperative. The question was, did they not come into operation in those particular cases where the protection of police and of law was required? What he asked was this—what public advantage did you attain by compelling men to make known their votes? The advocates of the present system of open voting said that a man must give his vote under certain restrictions, one restriction being that he should be compelled to publish it to all the world. But if you established such a restriction, you were bound to show its advantages. Was a man to vote as he wished, or was he not? That was the question. He believed that the House would say, that every man was to vote ac-

according to his conscience. Well, then, if by your compulsory publicity you compelled a man to vote otherwise than he would have voted, had he the protection of the ballot, you violated the principle on which you had given him the vote—namely, that of voting according to his conscience and understanding. If, on the other hand, publicity had no effect, and a man voted publicly as he would have done secretly, then the restraint in question was inoperative. In either case, therefore, there was no argument for the continuance of the compulsory publicity of a man's vote. In the former instance the restraint was oppressive, in the latter it was inoperative, and therefore on both grounds it ought to be got rid of. There was another argument which appeared to him of importance, and it was this, that if candidates knew that the electoral body could exercise their own free choice, and act upon their convictions, when voting for Members of Parliament, they (the candidates) would no longer appeal to a mere unthinking cry or clap-trap agitation. Every candidate, thus knowing that every voter was at liberty to vote as he thought fit, would more maturely consider the subjects on which he had to address the constituency. The result would be a change for the better in hustings speeches, and the introduction of a higher and more considerate tone to political expositions. The electors would also be induced to give greater consideration to political questions, and feel more interest in their investigation. It was a fact, which he could vouch for, that many men at present would rather know nothing of the political questions of the day than be informed of them, and felt a great reluctance to investigate them, simply because by being ignorant of the course they were about to take, they avoided the risk of having their convictions running counter to their interests. On these grounds, with the view of improving the political intelligence of the people, of improving also the character of the speeches and appeals of candidates, and believing that it would create greater tranquillity at elections by doing away with mobbing and other such proceedings, by which men were deterred from the ordeal of passing through two lines of opposing voters in order to record their votes, he held that the electoral body ought to possess the protection of the ballot.

MR. J. WILLIAMS said, representing *as he did* in that House a large portion of

that particular class of Her Majesty's subjects who desired to be enabled to use the franchise, without the permission and not under the compulsion or control of their landlords or their customers—deeming it to be his bounden duty to speak their sentiments, whenever this, to them most important, subject should be brought forward—he had felt much pleasure when his hon. Friend the Member for Bristol last Session asked leave to bring in a Bill, in seconding his Motion, and boldly expressing his sentiments on the question. He could now, as he did then, corroborate to the utmost extent his statements of the disgraceful state of thralldom in which the inhabitants of this metropolis, as well as other cities and boroughs, were plunged; and he was enabled to point out the demoralisation of constituencies in Wales, his native country, under the influence of the landlords. Well had the hon. Member called attention to the fact, that although for the last few years the screws and engines of compulsion had not been resorted to, unless in particular instances, with that fierce determination which marked their use in times of great political excitement: yet it was a miserable argument to pretend that, therefore, corruption and intimidation had gone out of fashion. Let the aristocracy now, if they could, stir up an election, and the same scenes would be enacted which he had ventured to describe last Session. Carriages, with their titled occupants, would roll from door to door, as they did in 1841; the threats and cajolery of ladies being carried to a much greater extent with tradesmen than their male relatives dared to go. Now, as a plain man, but he trusted an honest one, he confessed that he was utterly unable to comprehend how hon. Members could defend the present system. Why would they not be candid, and say that it was folly to entrust the present class of voters with the franchise, but that a man should vote so many times, according to his property? He could understand that, although he should not approve of it. But that they should by law qualify one set of men to elect representatives, and then permit that privilege to be usurped by another, did seem to him to be a state of things contrary to reason and common sense. It was in vain to deny that state of things. In the country the landlord was always canvassed first. Mr. Ward showed this when he brought the question forward, and proved the fact, that where estates changed

hands, all the unfortunate creatures on those estates who had a right to vote, from being Tories became Whigs, and then again Tories, according to the politics of their master. Why, how much better for an auctioneer to put up an estate, and describe a fine property, well timbered and watered, abounding in natural productions—pheasants, hares, rabbits, pike, trout, and electors, the market and polling place at a convenient distance—than the barefaced system of intimidation carried on under the pretence of tenants at will being free political agents. Of all practices most abhorrent to an Englishman was this system of intimidation, openly repudiated, but quietly winked at and encouraged. We have have had this system maintained too long, by thorough-going Tories and half-going Whigs, until it has become a scandal and disgrace to a civilised nation. In these times of change they knew not how soon they might be called before their constituents. It was, therefore, the duty of those who believed in the virtue of an honest and fair return to knock off the shackles from the wrists of those appointed to elect them, to extend the suffrage to its permitted limits by allowing men to vote who now refused, and give the middle and working classes the power of expressing their real opinions. It was with great pleasure that he supported the Motion of his hon. Friend.

MR. HEALD wished to assign his reasons for giving a vote adverse to the proposition of the hon. Gentleman the Member for Bristol which appeared to him to justify the conclusions to which he had arrived. He entirely differed from the right hon. Gentleman the Member for Manchester in his argument that this Motion ought to be agreed to, on the ground that the electors of this country required the protection of the ballot. He (Mr. Heald) did not admit that the ballot would be a protection; but even supposing that a considerable portion of the electors of this country agreed in opinion with the right hon. Gentleman, his answer was, that the general electoral body did not ask for it. He would venture to state, without fear of contradiction, that the electoral body of this country prided themselves too much on having it known distinctly what class of principles they maintained, and who were their favourite candidates on the occasion of a contested election. It appeared then to reduce itself to this, that it was the cause of that minority to which

the right hon. Secretary of the Home Department adverted. He (Mr. Heald) thought he knew his own borough (Stockport) as well as any Gentleman who had ever represented it, and he was perfectly prepared to state publicly and to maintain it, that not merely four-fifths of the constituency of the borough he had the honour to represent, but nine-tenths of the constituency of the whole empire, did not, as they could not, want the ballot either for protection or secrecy, without being prepared at once to abandon all their long established tastes and usages. They must feel that it would be a reflection on their integrity, on their honesty, not to avow, by the public record of their vote, what were their peculiar feelings on great political questions, and he honoured that principle. He was not disposed to part with any essential feature of our English national character. He was not ashamed himself of any vote he had ever given, and he knew this, that, having to meet a popular constituency on the hustings, and being examined as a candidate for their suffrages on such occasions, and having his political views publicly canvassed, he had a right, on the other hand, to be dealt with openly and in a manner consistent with English feelings and usages. But there was a minority, he was sorry to be compelled to admit, in all our constituencies, whether county or borough, that was to be regarded in a very different view; and he had heard it contended in that House, that this minority required the ballot for their protection. Now, what was that minority in our various constituencies? His experience for thirty years had proved to him, and he hoped to be corrected if he were wrong, that it was a nondescript portion of our constituencies—a party, which at most of our closely-contested elections, hesitated to declare their principles if they had any, and to secure whose votes the conflict of parties was kept up until nearly the close of the poll. He did not charge it upon the candidate, but upon the conduct of a very small minority; who, wanting manliness to act upon their convictions, waited until the fate of an election was hanging in the balance before they committed themselves. He asked the House and the country whether they were prepared to give up a long-established system merely to meet the wishes of that small, and, as he hoped, still diminishing minority? If the House differed with him in opinion, his judgment should bow to theirs; but



the sooner the country was relieved—and he said this without qualification or hesitation—from the importunities of that small portion of the community, the freer would be the votes and the more permanent their hopes of the constituencies of this empire.

MR. BRIGHT said, it would be extremely satisfactory if the very favourable character which the hon. Gentleman gave of his own constituents could be received as a fair one of the electoral body generally. The hon. Gentleman represented Stockport—a borough certainly not remarkable for its purity, nor for the little cost of its elections, but somewhat remarkable for the tumultuous and disgraceful proceedings by which several of its elections had been characterised. He knew something of that borough, and would let the House know something of it also. Crossing the enormous viaduct by which the North Western Railway traversed that town, the passenger might observe on either side several large mills and tall chimneys. Indeed it was well known that Stockport was almost entirely supported by its cotton trade, and that many of the owners of these mills employed from 500 to 2,000 persons each in carrying on their business. Now, not only over these, but likewise over nearly all the tradesmen in the town who supplied the hundreds of articles required in the wear and tear of those large manufactories, did the owners exercise a direct influence, for a large employer was, in fact, like the great landed proprietor with numerous tenants and labourers dependent on him. He was himself much in the position he was describing. He employed large numbers of persons who at frequent stated intervals attended at his counting-house to receive payment and orders—men employed at subsidiary trades and manufactories. As a matter of course, that species of influence which the ballot was intended to guard against, existed to a large extent in such cases; and it was left wholly to the morality and conscientiousness of the parties having that influence, whether it was exercised or not against the rights of the electors who were subject to it. He was not about to say that the employers at Stockport were less pure or less disposed to exercise their influence than those of Rochdale, or of this metropolis, or elsewhere. He merely asserted that such an influence existed in the hands of men employing thousands of persons likely to be

affected by it, without charging any one man more than another with abusing it; and he asked whether, when party spirit ran high, as it often did in small towns, and sometimes where there was really very little to fight about, sometimes through private and sometimes through personal motives, they could lay their hands to their hearts, and say, that that influence was not exercised by candidates and employers connected with all political parties. He believed that no one could conscientiously declare that in the great majority of elections, whether for counties or for boroughs, particularly where the constituencies were limited, such influence had not been exercised adversely to the independence and conscientious voting of the electors. The borough of Stockport was no exception. The hon. Gentleman said that nine-tenths of the electors of that borough did not want the ballot. Nine-tenths of the electors did not vote for him, and he could not speak for more than did vote for him. The hon. Member would, perhaps, before long, be asked to present a petition from the majority of his constituents in favour of the ballot. In Lancashire, where all classes were as independent as in any portion of the kingdom, he (Mr. Bright) could assert that the great majority were in favour of the ballot; and the principal reason why it was refused to them by hon. Gentlemen opposite was, because they knew that in many instances, were the ballot granted, the returns to that House would be very different from what they were. He was amazed that some hon. Gentlemen who talked so much about morality, who quoted all parts of Scripture upon all kinds of questions brought forward in that House, and who presumed to be the main defenders of the Church and of that Christianity which the Church was supposed to embody—he was surprised that they should oppose a proposition for removing a system which gave rise to immorality, cruelty, and oppression on the part of the powerful and wealthy classes, while it caused the humiliation and degradation of the more dependent classes of electors—a proposition to which there was no valid objection, and the most that could be said against which was, that it would not do all the good its advocates promised. The time was not far distant when the whole of the representative system, of the franchise, and mode of election, would be subjected to a more thorough investigation and reform. They had had one night's debate on Par-

liamentary reform, and they should have many more on the subject. Our Parliamentary representation was so monstrous upon the face of it that we were subjected to the ridicule of every foreigner who examined into it. [*Laughter on the opposite benches.*] It would be wise for hon. Gentlemen instead of raising an unmeaning laugh to give some arguments to the House in favour of the system they upheld, a system which was ridiculous in theory, and which, in practice, was found to occasion great evils throughout the country.

MR. MASTERMAN said, that it was very seldom that he trespassed upon the attention of the House, and it was with reluctance that he did so in the present instance; but as the metropolis had been alluded to in connection with this question, he thought it might be expected that he should state his views upon the subject of the ballot. He was decidedly opposed to the practice of secret voting as contradistinguished from open voting, and he objected to making that a matter of concealment—namely, a man's vote—which everybody ought to be made acquainted with.

MR. MUNTZ said, that he should give his vote in favour of the Motion. The hon. Member for Stockport had said that only one-tenth of his constituents were anxious for the ballot. The experience he (Mr. Muntz) had of the borough of Birmingham led him to believe that a very large proportion of the electors would like to have it, and that that proportion consisted of the most respectable class, principally shopkeepers, who did not think it just either to themselves or their families to have the system of open voting continued. Now, before he happened to be in Parliament a sharply-contested election took place in Birmingham. In the course of it both parties called upon him to see some of his workmen. One party said there was no use in seeing them, as no doubt he (Mr. Muntz) had interfered with them as a master in the exercise of their franchise. He told the party that he had not done anything of the kind, for he should as soon think of meddling with a man's pocket as with his vote, and that, however his men might vote, he should not employ them the less on that account. The circumstance showed in itself how a master could, if he were so inclined, intimidate his men, and prevent them from enjoying the free use of the right of which they were possessed; because had he gone

to any of the men, and said they must vote for this or that candidate, they would have implicitly obeyed his directions. And this was done in every large manufacturing town, for the masters were in many instances just as tyrannical with regard to their men as ladies were in electioneering matters with reference to the shopkeepers with whom they dealt. He asked hon. Gentlemen whether they should leave the franchise in such a state as that it became prejudicial to the interests of those who openly and conscientiously exercised it? He advised those who travelled on the Continent to ask what had been the effect of the ballot in Belgium, where it had been established in the year 1830. He had inquired about its operation in that country, and found not a single instance in which it had operated prejudicially. If it had worked well in Belgium, why should it not work equally well in England? His own belief was that they would never realise the independence of the people of this country until they had given them vote by ballot.

COLONEL SIBTHORP did not think it worth his while to pay any attention to what fell from the hon. Member for Manchester. The hon. Member for Birmingham wished this country to imitate Belgium, but he (Colonel Sibthorp) believed this country never would so much degrade itself. There was far too much aping of foreign institutions now-a-days, and *Expositions Françaises*, and such like humbugs. He had listened with great satisfaction to what had fallen from his excellent Friend the Member for the city of London; he wished there had been more of it. The hon. Member's integrity of character and unwavering consistency made him despise the ballot. He (Colonel Sibthorp) did not know what the First Lord of the Treasury thought of the ballot. Perhaps if it would relieve him of that Colleague who cost him so much uneasiness and trouble in bill-making, Baron—Baron—something or other—the noble Lord might not be much blamed for supporting the Motion. He (Colonel Sibthorp) had had the honour of a seat in that House for twenty-seven years, and during that time he thanked God he had never done any act which would lead him to wish for the protection of the ballot. His conduct had always been there in accordance with what he had professed at the hustings. He had not been elected for the express purpose of opposing a particular policy, and then turned round and voted for it. And while his conduct was thus

open, he believed every one who voted for him had as little cause for concealment. He did not wish to be supported by the subtlety and trickery of an un-English ballot. He had never bribed a single individual, nor had he influenced a tenant, and he never would. He opposed the Motion, on the broad honest English principle of doing nothing of which to be ashamed. If they were to have honest men, good men, and proper men in that House, they must be chosen by the people openly and fairly, and not by substituting a foreign, mean, undermining system.

MR. HUME said, that hon. Gentlemen who expressed so much repugnance to this proposal seemed quite to forget that the principle was in full force in those clubs of which they were themselves members. The hon. Member for Stockport had, he thought, made a great mistake in what he stated regarding his own constituency. He thought the hon. Member had libelled them, because he (Mr. Hume) had recently communicated to him the resolutions of a public meeting held in the hon. Gentleman's borough, and attended by thousands of electors, where the ballot was unanimously supported. How, therefore, the hon. Member could stand up and say that nine-tenths of the electors of his borough were against the ballot, he confessed he could not understand. But the hon. Gentleman further stated that the remaining tenth were a class of people that could be bought any day by anybody. Well, now, give them the ballot, and that was the very class that could no longer be subjected to bribery and corruption. ["Oh, oh!"] Hon. Gentlemen said "Oh, oh!" but who did they think would buy a pig in a poke? Hon. Gentlemen opposite had not had the courage to attempt to offer any argument against this measure: they were merely about to give a silent vote without stating any reasons for the manner in which they would record it. He also thought the hon. Member for the city of London mistaken as to the feeling of his constituents—

MR. MASTERMAN explained that he had never said his constituents were against the ballot: what he stated was, that he had never received any intimation from them that they were anxious for it.

MR. HUME: He only knew this—that the numerous meetings held lately in the metropolis all terminated unanimously in favour of the ballot. He must say, in conclusion, that those who used the ballot to protect themselves, acted most unjustly,

un-English-like, and unmanly, in refusing it to others.

MR. HEALD rose to explain. He said he was certain that neither the hon. Member for Montrose nor the hon. Member for Manchester wished to misrepresent him. What he said was, that he believed the great body of the constituency of the empire, including nine-tenths of his own, did not require the ballot as a means of protection in recording their votes. His argument was that such a proportion prided themselves in having it known what were their distinctive principles, and who was their favourite candidate.

MR. H. BERKELEY replied: He said, he should have occasion only to detain the House a few minutes, for he found that he had very little to answer. He had first to accept the explanation of the right hon. Gentleman the Home Secretary. He was quite willing to admit that the right hon. Gentleman had never used the phrase, political virtue; but he had ascribed the sentiment to that right hon. Gentleman, whose explanation fully bore him out. With respect to the ballot, he never admitted that it would be inoperative as against bribery: he thought in large constituencies it would be a decided preventive; he was not prepared to assert the same in small constituencies, but the existence of the latter ought to cease, for the ballot could make them no worse than they were. He had heard nothing that night to shake his opinion as to the ballot being perfectly competent to check bribery, and put down intimidation; he never pretended it was a panacea. The hon. Member for Stockport argued against the ballot, as if electors were compelled by it to secrecy. So far from it they might march with a band of music to poll, proclaiming their votes as they went if they pleased; while the elector, to whom secrecy was safety, would claim the ballot as his just protection. The hon. Member for London had talked about the ballot not being necessary in London; must he read his (Mr. Berkeley's) speech in '48, to show the hon. Member the exact reverse? The hon. Member forgot that he (Mr. Berkeley) had been chairman of a London election committee in 1847; he really could not make that speech over again—not that the hon. Member's friends were one jot worse than his opponents. On the present occasion he (Mr. Berkeley) trusted that he should have the support of all those who had hitherto supported the Motion; and he

would hold up to them the brilliant example of Mr. Ward, who had instigated him to take up this important question. Mr. Ward had been consistent whether in office or not, and to prove his conviction of the necessity of protecting the elector, one of his first acts while serving Her Majesty in the Ionian Islands, was to give the people the ballot.

The House divided :—Ayes 121; Noes 176 : Majority 55.

### *List of the AYES.*

Adair, H. E.	King, hon. P. J. L.
Adair, R. A. S.	Langston, J. H.
Aglionby, H. A.	Locke, J.
Alcock, T.	M'Cullagh, W. T.
Anderson, A.	Meagher, T.
Armstrong, R. B.	Mahon, The O'Gorman
Bagshaw, J.	Mangles, R. D.
Barnard, E. G.	Marshall, W.
Berkeley, C. L. G.	Martin, J.
Bernal, R.	Milner, W. M. E.
Blake, M. J.	Mitchell, T. A.
Blewitt, R. J.	Moffatt, G.
Bouverie, hon. E. P.	Morris, D.
Boyle, hon. Col.	Mowatt, F.
Bright, J.	Muntz, G. F.
Brocklehurst, J.	Norreys, Sir D. J.
Brotherton, J.	Nugent, Lord
Clay, J.	O'Connell, M.
Clay, Sir W.	O'Flaherty, A.
Cobden, R.	Osborne, R.
Collins, W.	Paget, Lord A.
Currie, R.	Paget, Lord C.
Dawson, hon. T. V.	Paget, Lord G.
Devereux, J. T.	Pechell, Sir G. B.
D'Eyncourt, rt. hn. C.T.	Perfect, R.
Duke, Sir J.	Pigott, F.
Duncan, Visct.	Pilkington, J.
Duncan, G.	Rawdon, Col.
Dundas, Adm.	Reynolds, J.
Ellis, J.	Ricardo, O.
Enfield, Visct.	Rice, E. R.
Evans, Sir De L.	Romilly, Col.
Evans, J.	Romilly, Sir J.
Evans, W.	Salwey, Col.
Ewart, W.	Scholefield, W.
Fagan, W.	Scrope, G. P.
Fox, W. J.	Scully, F.
Freestun, Col.	Shafto, R. D.
Gibson, rt. hon. T. M.	Smith, J. A.
Glyn, G. C.	Smith, J. B.
Greene, J.	Spearman, H. J.
Grenfell, C. P.	Stansfield, W. R. C.
Grenfell, C. W.	Strickland, Sir G.
Hall, Sir B.	Stuart, Lord J.
Hallyburton, Lord J. F.	Sullivan, M.
Hardcastle, J. A.	Talbot, J. H.
Harris, R.	Tancred, H. W.
Hastie, A.	Tenison, E. K.
Headlam, T. E.	Thicknesse, R. A.
Henry, A.	Thompson, Col.
Heywood, J.	Thompson, G.
Heyworth, L.	Thornely, T.
Hill, Lord M.	Towneley, J.
Hobhouse, T. B.	Trelawny, J. S.
Hume, J.	Tufnell, H.
Humphery, Ald.	Villiers, hon. C.
Kershaw, J.	Wakley, T.

Walmsley, Sir J.  
Wawn, J. T.  
Willcox, B. M.  
Williams, J.  
Wilson, M.

Wood, W. P.  
Wyvill, M.  
TELLERS.  
Berkeley, H.  
Stuart, Lord D.

### *List of the NOES.*

Acland, Sir T. D.	Forbes, W.
Adderley, C. B.	Forester, hon. G. C. W.
Archdall, Capt. M.	Fuller, A. E.
Arkwright, G.	Gaskell, J. M.
Armstrong, Sir A.	Gladstone, rt. hn. W. E.
Ashley, Lord	Gore, W. O.
Baines, rt. hon. M. T.	Goulburn, rt. hon. H.
Bankes, G.	Graham, rt. hon. Sir J.
Baring, H. B.	Grey, rt. hon. Sir G.
Baring, T.	Grey, R. W.
Barrington, Visct.	Grogan, E.
Bateson, T.	Guernsey, Lord
Bennet, P.	Halsey, T. P.
Beresford, W.	Hamilton, G. A.
Blackall, S. W.	Hamilton, J. H.
Blair, S.	Harcourt, G. G.
Blandford, Marq. of	Hatchell, J.
Bowles, Adm.	Heald, J.
Bramston, T. W.	Heathcote, G. J.
Brisco, M.	Henley, J. W.
Broadley, H.	Herbert, rt. hon. S.
Brockman, E. D.	Hervey, Lord A.
Brooke, Lord	Hildyard, R. C.
Buck, L. W.	Hildyard, T. B. T.
Buller, Sir J. Y.	Hobhouse, rt. hon. Sir J.
Bunbury, E. H.	Hodgson, W. N.
Burrell, Sir C. M.	Hogg, Sir J. W.
Burroughes, H. N.	Hood, Sir A.
Buxton, Sir E. N.	Hope, A.
Cabbell, B. B.	Hornby, J.
Campbell, hon. W. F.	Hotham, Lord
Cardwell, E.	Howard, Sir R.
Carew, W. H. P.	Hughes, W. B.
Castlereagh, Visct.	Inglis, Sir R. H.
Cayley, E. S.	Jermyn, Earl
Childers, J. W.	Jocelyn, Visct.
Christy, S.	Johnstone, Sir J.
Clerk, rt. hon. Sir G.	Jolliffe, Sir W. G. H.
Clive, hon. R. H.	Jones, Capt.
Clive, H. B.	Knox, Col.
Cobbold, J. C.	Labouchere, rt. hon. H.
Cocks, T. S.	Lennard, T. B.
Cole, hon. H. A.	Lewis, G. C.
Colebrooke, Sir T. E.	Lindsay, hon. Col.
Coles, H. B.	Littleton, hon. E. R.
Compton, H. C.	Lockhart, W.
Cowper, hon. W. F.	Mackenzie, W. F.
Cubitt, W.	Martin, C. W.
Denison, J. E.	Matheson, Col.
Dick, Q.	Maxwell, hon. J. P.
Dodd, G.	Melgund, Visct.
Drummond, H. H.	Meux, Sir H.
Duckworth, Sir J. T. B.	Miles, P. W. S.
Duff, G. S.	Moody, C. A.
Duncombe, hon. O.	Morgan, O.
Dundas, G.	Mulgrave, Earl of
Dunne, Col.	Mullings, J. R.
Du Pre, C. G.	Mundy, W.
Edwards, H.	Naas, Lord
Fergus, J.	Newdegate, C. N.
Ferguson, Sir R. A.	Norreys, Lord
Filmer, Sir E.	Oswald, A.
FitzPatrick, rt. hon. J. W.	Packe, C. W.
Fitzroy, hon. H.	Palmer, R.
Foley, J. H. H.	Palmer, R.



Palmerston, Visct.  
 Patten, J. W.  
 Peel, rt. hon. Sir R.  
 Peel, F.  
 Pelham, hon. D. A.  
 Plowden, W. H. C.  
 Plumptre, J. P.  
 Portal, M.  
 Price, Sir R.  
 Prime, R.  
 Reid, Col.  
 Repton, G. W. J.  
 Richards, R.  
 Rumbold, C. E.  
 Russell, Lord J.  
 Russell, F. C. H.  
 Sott, hon. F.  
 Seymour, Lord  
 Shelburne, Earl of  
 Sibthorp, Col.  
 Smollett, A.  
 Somerset, Capt.  
 Sotheron, T. H. S.  
 Spooner, R.  
 Stafford, A.

Stanford, J. F.  
 Stanley, E.  
 Stanley, hon. E. H.  
 Stanton, W. H.  
 Sturt, H. G.  
 Taylor, T. E.  
 Thompson, Ald.  
 Trevor, hon. G. R.  
 Turner, G. J.  
 Tyrell, Sir J. T.  
 Vane, Lord H.  
 Verney, Sir H.  
 Vesey, hon. T.  
 Waddington, D.  
 Waddington, H. S.  
 Walpole, S. H.  
 Walsh, Sir J. B.  
 Watkins, Col. L.  
 Wegg-Prosser, F. R.  
 Wellesley, Lord C.  
 Wortley, rt. hon. J. S.

## TELLERS.

Howard, Lord E.  
 Masterman, J.

The House adjourned at a quarter after Twelve o'clock.

## HOUSE OF LORDS,

Friday, March 8, 1850.

MINUTES.] PUBLIC BILLS.—3<sup>d</sup> Party Processions (Ireland).

## COMMITTEE OF COUNCIL ON EDUCATION—THE MEETING AT WILLIS'S ROOMS.

The MARQUESS of LANSDOWNE said, that he was about to lay on the table of the House a number of returns on the subject of national education, and that, before doing so, he wished to state the reasons which had induced Her Majesty's Government to order that these returns should be furnished. A discussion had recently taken place in this House on the subject of national education and the bestowal of Government grants for that purpose; and during that discussion reference had been made to certain statements lately put forth by a learned gentleman of the greatest eminence in the profession of the law, and bearing so deservedly high a character, that to any statement made by him there must always be necessarily attached the highest degree of importance. This gentleman had been the chairman of a meeting recently held at Willis's Rooms, and in consequence of what had lately occurred in this House, he had addressed a letter to him (the Marquess of Lansdowne), of the terms of which he had no reason to complain, but impugning certain statements which he (the Marquess of

Lansdowne) had made, or was supposed to have made, in this House. Now it was undoubtedly true that one of the statements to which he (the Marquess of Lansdowne) had referred, as having been put forth at that meeting, he conceived to have originated with the hon. and learned gentleman himself; and if the reports of the terms in which he spoke had been correctly given in all the reports of the meeting, he (the Marquess of Lansdowne) conceived it to be a matter of public importance that statements so made should be contradicted in the most authentic form in which they were capable of being contradicted, namely, by the official papers which he held in his hand. The statements made by the learned gentleman in question he took from two different reports—the two fullest reports of his speech—and these reports represented him as using almost the same words. In the *Times*, he was reported as having said—

“Not a shilling of the public money voted for the specific purpose of education was given to any school, unless it adopted the clauses arbitrarily imposed by the Committee of Privy Council.”

In another newspaper, called the *Guardian*, the report ran thus:—

“Is it not the truth that at this very hour not one shilling of the public money can be claimed by Church schools unless they adopt the clauses imposed by the Committee of Privy Council?”

Now, in the letter of the learned Gentleman he did not positively state whether these words had or had not been used by him—at all events, he did not deny having used them; but he (the Marquess of Lansdowne) was willing to believe that if the expressions had been employed by the learned Gentleman, they had been uttered in consequence of misinformation, and without any intention of misleading the public. Still, as the expressions in question had been circulated under the sanction of the most respectable name of the learned gentleman of whom he spoke, it was of importance that statements so made should be contradicted, if they admitted of contradiction, as they did, and as they were, by the papers which he held in his hand—papers containing an account of 400 or 500 schools, not having subscribed to the management clauses, but which had, notwithstanding received Government grants—as also accounts of a great many schools which still received assistance from the public purse, and which had come into existence before the clauses had been drawn up.

LORD STANLEY had not read the report of what had taken place at the meeting at Willis's Rooms. It was, however, notorious that a great many schools which had been established previously to the promulgation of the recent orders had received large grants of public money; and it might be also perfectly true, though he was not aware of the fact, that schools not adopting the clauses had received assistance in the nature of sustentation grants. But what he thought his learned friend had stated, and what undoubtedly was the subject of complaint amongst a large body of the clergy, was, not that at no time had Church schools received assistance without subscribing to the clauses; but that at present there was an imperative restriction on the part of the Committee of the Privy Council preventing new and non-subscribing schools from receiving assistance. There might, therefore, have been an error in the reports; and what his learned friend might have meant to state, and with truth, was, that it was not now competent to Church schools to receive assistance as regarded the building of these schools, unless they had subscribed to the management clauses.

The MARQUESS of LANSDOWNE said, that the noble Lord avowed that he had not read the report, and that, therefore, he could not be aware of what the statement was to which he (the Marquess of Lansdowne), by the papers he now laid upon the table, gave the most complete refutation.

Papers laid on the table.

#### PARTY PROCESSIONS (IRELAND) BILL.

The MARQUESS of LANSDOWNE moved the Order of the Day for the Third Reading of this Bill.

The EARL of ELLENBOROUGH moved an Amendment on the second and third clauses, by taking out the words "that it shall and may be lawful for any magistrate to proceed to any place where an unlawful assembly is about to take place," &c., and substituting "that it shall be lawful for any magistrate," &c.—his object being to leave it optional to the magistrate, and not compulsory.

The LORD CHANCELLOR objected to the proposed alteration. It was left optional to the magistrate whether or not he should interfere by force to disperse the meeting, because perhaps he might not have the means; but when once the meeting was declared unlawful, those present

were under an obligation to disperse, and if they refused they might afterwards be prosecuted and punished.

LORD STANLEY objected to the wording of the Bill as most ambiguous and calculated to mislead the magistrates.

LORD CAMPBELL said, that the Bill was *verbatim et literatim* the same as had been introduced by the noble Lord himself when he was Secretary for Ireland, and which had been the law of the land for many a long year.

Amendment withdrawn.

LORD BROUGHAM said, he had come down purposely to support the Amendment proposed by his noble Friend (the Duke of Wellington) if it were persisted in; but he begged to suggest to his noble Friend the propriety of withdrawing it, for this reason: it was now the 8th day of March. It was extremely important that the Bill should be passed into a law before the 17th, that being one of the days on which some of those party processions were accustomed to take place in Ireland. If the clause against the carrying of arms out of doors by any person were passed through that House, it might, and indeed he had received an intimation which led him to believe it very possible that the clause would, be opposed so determinedly in the other House that, although there was no doubt the Bill with the clause would be ultimately carried, yet it could not possibly be carried in time to have effect as law on the approaching 17th. He therefore suggested to his noble Friend that he would best subserve the object he had in view by withdrawing the clause and introducing it in the form of a separate Bill. He (Lord Brougham) thought it of such exceeding importance that he was determined to support it in either form, but he thought the separate Bill would be the better course.

The DUKE of WELLINGTON moved the Amendment of which he had given notice, viz.:—

"And for the more effectual prevention of all assemblages of persons in Ireland, bearing, wearing, or having amongst them or any of them, any fire-arms or other offensive weapons, be it enacted, that where any persons, being assembled together to the number of three or more, shall bear, wear, or have amongst them or any of them, any fire-arms or other offensive weapon, it shall be lawful for any justice or justices of the peace to seize, or, by order to any constable or other person, to cause to be seized and detained, for the use of Her Majesty, any such fire-arms or other offensive weapon; and such justice or other person shall immediately after such seizure and detention transmit to the

Lord Lieutenant or other chief governor or governors of Ireland, or to his or their chief or under secretary, a written account of the numbers and nature of such fire-arms or other offensive weapons, and of the place where, and of the person or persons from whom, the same were respectively seized."

He had already given his reasons for thinking that the provision which he was about to submit to their Lordships should be made, to prevent those evils which had not been uncommon in Ireland, and which had been brought before their Lordships in the discussions on the Dolly's Brae affair. It was the common practice of both parties to attend such ceremonies with arms in their hands, and for one party to endeavour by violence and force of arms to interrupt those ceremonies. It was his wish to prevent such violence from taking place in future by enabling magistrates in Ireland effectually to prevent those collisions likely to take place on such occasions. The clause, however, of which he had given notice, from what had fallen the other evening from the noble Marquess, was likely to be rejected elsewhere, and as he did not wish to delay the present Bill he should not press it.

LORD BROUGHAM could not conceive that the insertion of the clause would result in the rejection of the Bill elsewhere. The Bill was a good general measure, but it was most desirable that they should make it as effective as possible.

THE EARL of ELLENBOROUGH reminded their Lordships that this was not merely a Bill to put a stop to party processions on the 17th of March next, but it was a measure for all times, and therefore it should be perfect in its powers, and applicable to all circumstances of the condition of Ireland. That it had been delayed until so near the 17th of March, was the fault of the Government only; for but for their laches it might have been introduced and sent up from the Commons at a much earlier period; and the argument that it was necessary to pass the Bill in order to avoid an anticipated collision on the 17th of March was, in his opinion, no sufficient reason for rejecting the Amendment. From what fell from the noble Marquess (the Marquess of Lansdowne) when the subject was last under discussion, he understood him as not dissenting from the proposition of the noble Duke altogether, and that he held out a hope that if the Amendment were not pressed the Motion, would be taken up at a future time by the Government. Would the noble Marquess now pledge the

Government, if the clause were withdrawn, to bring in a measure for carrying out the same object? If the noble Marquess would give such a pledge, the noble Duke would be justified in not pressing his claim; but, if not, he hoped he would persevere.

THE MARQUESS of LANSDOWNE was certainly not prepared to give any such pledge as the noble Lord required. The noble Lord had done him the honour to refer to what had fallen from him upon a former occasion. What had passed upon the occasion to which he had referred was, that he (the Marquess of Lansdowne) had said that if he found himself compelled—reluctantly compelled—to oppose the Amendment of the noble Duke, it would not be because he entertained any settled opinion in opposition to it, but because no such addition was necessary for the prevention of the carrying of arms in Ireland. It was well known that the existing law was sufficient. Upon another occasion he had said (speaking with respect to a Bill some clauses of which he disapproved of) that it would be probably expedient to propose some such Bill as that alluded to by the noble Lord, and that it might be a fit subject to propose to the House. The noble Duke had intimated that he was not disposed to insist upon the Amendment of which he had given notice. He thought that the House, the Government, and the public of Ireland were deeply indebted to the noble Duke for pursuing that course; and for this reason, that he (the Marquess of Lansdowne) considered it to be of infinite importance, and he knew that the noble Lord who was at the head of the Government of Ireland considered it to be of the last importance, that he should be enabled effectually to prevent the recurrence of those processions, whether of Catholics, Ribandmen, or Orangemen, that had been the cause of so much mischief in Ireland. For he should say, in confirmation of what had fallen from his noble and learned Friend (Lord Brougham), that he was perfectly satisfied, from information that had reached him, that the consequence of the adoption of the clause by the House would be, not perhaps to prevent the passing of the Bill, but to prevent its passing in time for it to have effect before the certain recurrence of those outrages which had been the cause of so much misery heretofore; because he felt himself justified in stating to the House (from information which the Government of Ireland had received) that there were

at the present moment preparations making by the Ribandmen in Ireland, for the purpose of trying the efficacy of the law, and reviving those proceedings on the 17th of March that had had such calamitous consequences hitherto. On the other hand, he knew, that, considering the differences of opinion that had always existed on the subject of Arms Bills, if that Bill were returned with the clause to the House of Commons, so far from its being available for the preventing of those processions, or making the carrying of arms in general an offence against the law, the effect would be to introduce such a source of provocation and an amount of opposition to it that it would infallibly (according to the ordinary course of Parliamentary proceedings) be impossible that it could be passed into a law by the 17th of March. He would recall the attention of their Lordships to one of the satisfactory results of the mode in which the Bill had been introduced—and there he begged to say, in reply to the observation of the noble Lord about the *laches* of the Government, that no time had been lost in the introduction of it—which was, that it had met with the unanimous support of both Houses of Parliament. The noble Lord at the head of the Irish Government had attached the greatest consequence to its unanimous adoption, and he had the utmost hopes of its success. If the noble Duke introduced the subject of his clause in the form of a separate Bill, its provisions, which it must be admitted by all were very strong, might be accompanied by those guards against abuse which could not be conveniently introduced into a clause, but would find place in a Bill—guards which would be necessary for the protection of innocent persons. But he would remind the noble Duke, that, even if he did not think proper to introduce a separate Bill upon the subject, there was a Bill connected with the subject of arms which should come up in the course of the present Session; because the Act which had been passed about three years ago to enable the Lord Lieutenant to proclaim counties in Ireland—and which his noble Friend at the head of the Irish Government told him he considered to have been the most effectual Arms Bill that had ever been passed, and which, whilst the most effectual, had not occasioned any comment, although it was in force at present throughout more than two-thirds of Ireland—would cease to have effect in the course of the present Session.

He pledged himself that the Government would propose to renew that Bill in the course of the present Session. There would then be an opportunity given to consider whether it should be again passed in the precise form in which it had been passed originally, or whether an Amendment should be introduced, calculated to do that which was the object of the noble Duke's clause.

Clause withdrawn, as also was a clause of which notice had been given by Lord Brougham.

LORD MONTEAGLE thought the Act defective, inasmuch as the arms of persons attending the illegal meeting or processions would not be forfeited if they dispersed after the order or command in the Act was read or repeated, while the possessors would not be subject to the penalty. If, for instance, no magistrate was present to read the order, there could be no forfeiture of arms at all; and either in that case, or where a number of persons attended an unlawful procession, they could return home with their arms, which might be used to perpetrate outrages on their opponents. No Irish magistrate would refuse to inform their Lordships that forfeiture was the most operative means of preventing any display of arms. He therefore begged leave to move the following clause, which applied the principle of forfeiture of arms and penalty to persons at party processions, whether they refused to disperse or not:—

“ And be it enacted, that all fire-arms or other offensive weapons or ammunition which shall be borne, employed, or be in the possession of any person forming part of any assembly or procession, and attendance upon which is subjected to penalty under this Act, shall be forfeited to the use of Her Majesty, whether the order or command under this Act provided shall have been read or repeated or not, or whether after the reading or repeating of the same such assembly or procession shall have dispersed or not; and any such person who shall neglect to refuse to deliver up such arms, offensive weapon, or ammunition as aforesaid to any magistrate, police officer, constable, or other peace officer, when required so to do, shall for every such refusal or neglect be subject to the fines and penalties in this Act already set forth, which penalties shall be recoverable in the summary manner, and be subject to like imprisonment in default of payment, as has already been provided in respect to the summary recovery of the other penalties under this Act.”

This clause involved no new principle. It merely provided for the forfeiture of the arms, and a penalty in case of refusal in those cases where the Bill declared the carrying of arms to be illegal. He could not conceive that any objection would be



made to this clause, or that it would peril the passing of the Bill elsewhere, seeing its purpose was merely to carry out more effectually the objects of the measure, and prevent the possession of arms in cases no less dangerous than those in which the Bill provided a similar forfeiture and penalty.

The MARQUESS of LANSDOWNE observed, the clause would lead to an infinity of disputes, and perhaps to riot and violence, as a peace-officer or constable might seize whatever arms he thought proper. It might, besides, lead to considerable and undesirable delay in the progress of the Bill, which might be stopped in the other House. He would however, withdraw his opposition to the clause, if the noble Lord confined the forfeiture and penalty to the discretion of the magistrate, and not of the constable.

The DUKE of RICHMOND observed, that when persons attending such meetings were told that the law would not allow them to carry arms, the best way of carrying out the law was to seize their arms if they took them there. It was surely desirable that they should enforce the principle they laid down, that parties should not attend processions with arms in their hands. It was impossible they could carry them for any good purpose: why then should there be any tenderness about depriving them of them?

EARL GREY remarked, that provision was already made to prevent parties from carrying arms at processions, or attending party processions, and powers were given to the magistrates to require the parties assembled at such processions to disperse and give up their arms, and in case of refusal to seize the arms and impose a penalty; this clause, therefore, was unnecessary.

LORD STANLEY said, that as the Bill stood, if the meeting dispersed on being required by a magistrate to do so, no forfeiture of arms took place, and no penalty was inflicted; and if they refused to give a power of seizure, if the parties appeared with arms in their hands, whether they dispersed or not they would leave it open to evil-disposed persons to assemble in places where it might be difficult immediately to procure the attendance of a magistrate, and carry on those acts of violence which the purpose of the Bill was to put a stop to.

LORD MONTEAGLE did not think his proposition was understood by the Government. An armed meeting was held in contravention of that Act, the magistrate

might have no cognisance of the fact, and if no magistrate was present to give the notice, no forfeiture or penalty was incurred. But the armed meeting was as illegal in the one case as in the other, and the same penalties should attach to those who took part in it. In the Dolly's Brae affair, one of the reasons why the procession was not dispersed was, that the magistrates feared if the people were dispersed with the arms in their hands, crime and bloodshed would in all probability ensue. But if it were known that any person appearing with arms in his hand, the arms would be forfeited and might be seized, that would operate as the best preventive against that practice.

The MARQUESS of LANSDOWNE still thought it would be better not to encumber the Bill with this clause. He admitted that the object was desirable, but could not consent to entrust such a power to any policeman or constable.

The DUKE of RICHMOND suggested that the words policeman or constable should be omitted, and that the power of demanding the arms should be confided to the magistrate.

LORD MONTEAGLE accepted the suggestion, and

The MARQUESS of LANSDOWNE agreed to accept the clause so amended.

Clause agreed to.

The EARL of ELLENBOROUGH proposed the insertion of a clause to render more clear the meaning of the fourth clause, which, as explained by him in a former debate, was open to misconception. The purport of his clause would be to provide that the punishment under the Bill should not interfere with proceedings at common law, wherever the common law had been violated.

The LORD CHANCELLOR explained that the first clause of the Bill expressly reserved all the powers of the common law to punish the offences it specified; for the persons committing them for the first time were not liable to the penalties of the Act, but to the penalties of misdemeanour at common law. The third clause, however, created a new offence, for which no penalty was fixed by common law, to which it was unknown; but then came the penalties of a summary character, provided by the Act itself. It was evident the common law prosecution for misdemeanour would not be affected by the Bill, as the noble Earl seemed to suppose.

The EARL of ELLENBOROUGH would not press his clause, after the Lord Chan-

cellor's statement of his view of the construction of the Bill as it stood.

Motion withdrawn.

House adjourned to Monday next.

## HOUSE OF COMMONS,

Friday, March 8, 1850.

MINUTES.] NEW MEMBER SWORN.—For Kirkcudbright, John Mackie, Esq.

PUBLIC BILLS.—1° Public Health (Scotland); Police and Improvement (Scotland).

2° Real Property Conveyance.

### FOREIGN SHIPS—THE "ELIZABETH HASTINGS."

LORD J. MANNERS begged to put a question to the right hon. Gentleman the President of the Board of Trade respecting the seizure and removal of a vessel, which had been in the port of Liverpool, called the *Elizabeth Hastings*. He wished to know from the right hon. Gentleman whether or not he had before him any official information on the subject? Further, he wished to know whether the Government intended to introduce any measure for preventing a repetition of such extraordinary proceedings? Also, whether foreign vessels were permitted to come into the ports of this country to be registered without paying the 10 per cent duty chargeable upon all unenumerated articles in the present tariff?

MR. LABOUCHERE replied, that there was no doubt of the fact that the outrage to which the noble Lord referred had been committed—that the vessel mentioned had been carried out of the port of Liverpool against the will of her owners, and clearly in defiance of the law; the Board of Trade, therefore, lost no time in communicating with the Foreign Office on the subject, and instructions were immediately sent to our Consuls at Tampico, and other places, to which it was thought likely that the vessel might be conveyed, requiring Her Majesty's Consuls at those places to render all the assistance in their power, in order to obtain redress. As to the question put by the noble Lord respecting the introduction of any measures on the subject, he had only to say that there had been an erroneous impression that recent Bills had altered the previous state of the law upon such points as the late occurrence at Liverpool gave rise to. If it appeared that the law was altered, that it was defective, that it was not sufficiently stringent to meet

such cases, it might, perhaps, be necessary to submit some proposition to the House. With regard to vessels coming to this country to be registered, they could not be considered in the light of imported goods. If they were brought here for the purpose of being broken up, they were liable to a duty of 25 per cent; and sufficient precautions were taken to prevent vessels being brought to this country under pretence of registration, if the real purpose were that of breaking them up.

### TRADE AND NAVIGATION RETURNS.

MR. NEWDEGATE rose to ask the right hon. the President of the Board of Trade to give some explanation of the discrepancy which appears in the accounts of the coasting trade, as rendered in the trade and navigation returns by the Board of Trade, and shows an apparent excess of clearances outwards over the entries inwards, both in the number of vessels and amount of tonnage.

MR. LABOUCHERE replied, that, as the hon. Member had given notice of his question, he had communicated with the Board of Customs on the subject, and he should, as the shortest and clearest mode of answering the hon. Gentleman's question, read the letter that he had received in consequence of his inquiries upon this subject. It was as follows:—

"When the trade between Great Britain and Ireland was placed on the footing of a coasting trade, in 1826, it was settled (by Mr. Huskisson) that it would present an exaggerated view of the intercourse, if the tonnage employed were given both ways. The accounts, therefore, show the clearances from Great Britain for Ireland, and the entries in ports of Great Britain from Ireland, and exclude the returns from the Irish ports. The great difference in the number and tonnage between those clearances and entries arises from the fact that the shipments to Ireland are much greater in bulk than our receipts from Ireland. Many ships that clear coastwise from Great Britain for Ireland either return in ballast—in which case they do not report at the Custom Houses—or they go forward from Ireland upon foreign voyages. Great numbers of vessels go with coals from the Tyne and Wear to Ireland, and then go forward to British America in ballast for timber. The difference between the clearances and entries in the coasting trade between the ports of Great Britain arises thus:—If a vessel is engaged to proceed to an outport to load a cargo for a foreign country, there being no bonding stores at the outport, she takes her stores of that nature (spirits, tea, &c.) from the port where she is engaged (say London or Liverpool), and enters coastwise for the outport where she takes in cargo, and in which port she is considered as arriving in ballast, so that no entry is made of her at the Custom House of that port."

## LORD LIEUTENANCY OF IRELAND.

MR. REYNOLDS begged to ask the noble Lord at the head of the Government if it were the intention of Her Majesty's Government to introduce or support, during the present Session of Parliament, any measure for the abolition of the office of Lord Lieutenant of Ireland? He had been induced to put this Motion on the paper in consequence of the excitement that had prevailed among his constituents in consequence of a rumour that it was the intention of Her Majesty's Government to abolish the office of Lord Lieutenant of Ireland. This excitement had been further increased by an announcement in that great organ of public opinion, the *Times*, on this subject.

LORD J. RUSSELL: Sir, the hon. Gentleman must be aware that it is impossible to abolish the office of Lord Lieutenant of Ireland without introducing a Bill into this House. Notice would be given of any such Bill, and it would receive the full consideration of this House; but I will state further, that it has been for some time in contemplation by Her Majesty's Government to introduce a measure for the abolition of the office of Lord Lieutenant of Ireland. I will also state, that I have been in communication with the Lord Lieutenant on that subject. Of course, there are arrangements to be made, and some difficulties to be met; and before such a measure is brought before the House I shall give, as I have said, full notice of such a measure. With respect to the hon. Member's question whether Her Majesty's Government would "support" any measure for the purpose, it will be necessary, if the Government think such a measure desirable, to introduce it in the name of the Government, and the Government would not support such a measure if introduced by any hon. Member unconnected with the Government.

## SUPPLY—THE LATE BREVET.

Order for Committee read.

MR. F. MAULE, in moving that the House do go into Committee of Supply on the Army Estimates, appealed to the hon. and gallant Member for Longford to postpone his Motion to some other occasion of Committee of Supply, inasmuch as notice had been given of a Motion of national importance by the hon. Member for the West Riding, and there would be considerable convenience in having that Motion

debated and disposed of as soon as possible.

MAJOR BLACKALL did not consider it quite fair to ask him to postpone his Motion, because the fact of its not being of such general interest as that of the hon. Member for the West Riding rendered it difficult for him to secure himself a hearing on any future occasion. He would not detain the House long.

LORD J. RUSSELL begged to remind the hon. and gallant Member, that, as his Motion had precedence of that of the hon. Member for the West Riding, yet, although he should speak only for five minutes, if his Motion were put and negatived, the hon. Member for the West Riding would be, by the rules of the House, prevented from bringing on his Motion to-night. On these grounds he trusted the hon. and gallant Member would bring forward his Motion on some other day.

MAJOR BLACKALL had that confidence in the House that he felt certain, if he could prove that officers of Her Majesty's Army had been treated unjustly and with partiality, the House would not refuse to hear their case, and extend justice towards them.

MR. SPEAKER: If the hon. Member proceeds, I must first put the question, which is, "That I do now leave the chair."

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MAJOR BLACKALL said, he rose to call the attention of the House to the brevet which took place on the occasion of Her Majesty's late visit to Ireland, and to the ill-treatment of the officers of the line by that brevet. The honour of attending upon Her Majesty's person was generally confined to the household troops, in consideration of which certain exclusive advantages were conferred upon them. Promotions by brevet occurred among the household troops on certain occasions, from which the line was totally excluded. On the accession of Her Majesty, three captains of the household troops were promoted to be majors. On the birth of the Prince of Wales a general brevet for length of service took place, but, in addition, three more captains in the household troops were promoted to be majors. The visits of Her Majesty to different parts of the kingdom offered an occasion, and the only one, for extending these advantages of brevet promotion to the officers of the line.

On Her Majesty's visit to Scotland, in 1842, four majors of the line were promoted by brevet to be lieutenant-colonels, and four captains were promoted to be majors. On the Queen's visit to the Channel Islands, in 1846, three majors were promoted to lieutenant-colonelcies, and two captains to be majors. On the occasion of Her Majesty's visit to Ireland, the officers of the line in that country were led to indulge the hope that their arduous services in various parts of the globe would be rewarded, and that they would come in for their share of that brevet promotion which they had no other chance of obtaining. He regretted that, in mentioning the names of the officers who were selected for promotion on the occasion of Her Majesty's visit to Ireland, it would be necessary to mention the names of gentlemen who could not be present in that House to answer for themselves. The following were the officers thus selected for promotion—namely, four majors to be lieutenant-colonels—Major H. Ward, 48th Foot; Major E. Vicars, R. E.; Major C. R. Scott, Assistant Quartermaster-General in Dublin; Major F. Burdett, 17th Light Dragoons. Five captains were promoted to the rank of major—Captain J. W. Collington, R. A.; Captain the Hon. J. W. B. Macdonald, Captain the Hon. St. G. G. Foley, Captain Lord C. G. Russell, Captain G. Bagot, Captain H. F. Ponsonby. On February 15th he (Major Blackall) moved for a return of all the officers in personal attendance upon the Queen in Ireland, and he had to complain that this return had not yet been laid upon the table. The reason alleged was, that the return had not yet been obtained from Dublin. But, surely, when the close and speedy communication between this country and Ireland was advanced by the great public organ referred to by the hon. Member for Dublin to-night, as the reason for abolishing the office of Lord Lieutenant, they might have expected, that by the 7th of March such a return would have been forthcoming. It would have shown the length of the service of those officers who were in personal attendance upon the Queen, and who were passed over in the brevet. Captain Green, R. A., fired the first salute on Her Majesty's landing; Major Carpenter, 41st Foot, commanded Her Majesty's escort; Brevet-Major Mylius, 26th Foot, Captain of the guard of honour; Captain Jocelyn, 6th Dragoon Guards, on the escort in Dublin. There were also the following officers

on the escort in Dublin:—Captain Marindin, Royals; Captain Holdsworth, Queen's; Captain Todd, 40th; Captain Riky, 48th; Captain Rose, 55th; Captain Bedford, 60th. At Belfast the escort was commanded by Major Wilkinson of the 13th; with many others whose names he did not know. Now the services of these officers far outweighed those of the officers selected for promotion. Out of twenty-six cavalry and fifty-nine infantry, captains in garrison at Dublin during Her Majesty's visit, not a single officer received the brevet, whilst, on the other hand, out of the garrison staff, which included thirteen captains, five received brevet promotion. He trusted that Her Majesty might be induced to extend the privileges of the brevet to some of these officers, who had served Her Majesty in different climates, in various parts of the world, but who had been passed over on the present occasion. He trusted that the hon. Member for Montrose would not oppose this Motion from any motives of economy; for, if Her Majesty should be advised to extend the brevet to these officers, the increased expense would only be about 250*l.* a year. It was said, that these distinctions were confined according to the usual practice to officers in Dublin; but this was not the case with regard to civil distinctions. The mayors of Cork and Belfast received the honours of knighthood, and the Lord Mayor of Dublin was made a baronet. He, therefore, did not see why the officers in garrison in those towns as well as in Dublin should not share in the brevet. If he looked for a precedent to the brevet upon the occasion of Her Majesty's visit to the Channel Islands, he found that promotion was given to officers in both islands, Jersey as well as Guernsey. He could not discover on what principles the Irish brevet had proceeded. Promotion was not given to the senior officers, nor to those specially employed in personal attendance on Her Majesty; indeed, every principle on which brevets had hitherto gone had been deviated from. He believed that the custom hitherto had been to call upon the major-generals commanding districts to furnish a return of the names of those officers whom they thought fit to recommend for promotion; and, in anticipation that the usual course would be followed, he understood the major-generals had selected for the honour of personally attending upon Her Majesty the oldest officers under their command at the time. It would, no doubt, be said, that it was an inter-



ference with the prerogative of the Crown to interfere in a matter of this kind; but these were words and nothing else. These officers were selected by those who were privileged to recommend them to Her Majesty, and he trusted he had shown sufficient ground for calling upon the House to agree to his Motion.

Amendment proposed—

“To leave out from the word ‘That’ to the end of the Question, in order to add the words, ‘an humble Address be presented to Her Majesty, praying that She will be pleased to take into Her gracious consideration the services and claims for promotion by brevet, of those officers whose names were forwarded to the Lieutenant General commanding the forces in Ireland, as having been employed in personal attendance upon Her Majesty during Her late royal visit to Ireland,’”

instead thereof.

COLONEL RAWDON seconded the Motion.

MR. F. MAULE said, the hon. and gallant Member called upon the House to interpose in a matter depending upon and emanating from the Crown, and one which, in so far as they were not called upon for a grant of public money, the House should be slow to interfere. The hon. and gallant Member complained that the return for which he had moved was not forthcoming; but if he would reflect upon the terms of that return, and the minute details which it required concerning length of service and other particulars, he would see that no apology was required from him that the return had not yet been laid upon the table. The brevet had been granted upon this principle, that it was considered according to precedent that the selection should be confined entirely to officers in garrison at Dublin. He would read to the House a list of the officers promoted by brevet to the rank of lieutenant-colonel, in consequence of Her Majesty's visit to Ireland in 1849; Major H. Ward, thirty years' service, senior major of infantry employed on the occasion; Major Vicars, Royal Engineers, twenty-seven years' service, the senior officer of engineers attached to the Dublin district; Major C. R. Scott, thirty-seven years' service, Assistant Quartermaster General of the Dublin district; Major F. Burdett, 17th Light Dragoons, seventeen years' service, senior major of cavalry employed on the occasion. These promotions were thus given to these officers in respect of their seniority in the different services with which they were connected. But there were six other officers promoted by brevet to the rank of major in consequence of Her Majesty's visit to Ireland.

The first was Captain Collington, Royal Artillery, thirty-three years' service, senior captain of artillery employed on the occasion. The other five officers selected belonged to a different class, and were upon the personal staff of the Lord Lieutenant, the Commander of the Forces in Ireland, and the Lieutenant General, and Major General, commanding in Dublin. He (Mr. F. Maule) understood, and believed, that on all similar occasions when the Lord Lieutenant had received the Sovereign, it had been the custom to confer brevet promotions upon the staff-officers of the Lord Lieutenant, and the general officers above-named; and, if it had happened that these officers belonged to one branch of the service, that was the mere fortune of war, and the promotion must be considered as not given to their particular service, but to the position they held upon the personal staff. These five officers were, Hon. J. Macdonald, unattached, twenty years' service, Aide-de-camp to His Royal Highness Prince George of Cambridge; Hon. St. George Foley, unattached, seventeen years' service, Aid-de-camp to the Lieutenant General commanding in Ireland; Lord Cosmo Russell, 93rd Foot, fifteen years' service, Aide-de-camp to the Lieutenant General commanding in Ireland; Captain G. Bagot, 41st Foot, fourteen years' service, Aide-de-camp to the Lord Lieutenant; Captain H. J. Ponsonby, Grenadier Guards, seven years' service, Aide-de-camp to the Lord Lieutenant. He was aware that some disappointment existed that the brevet had not been extended so much as on former occasions, but this had arisen from considerations of economy. He regretted that the necessity for economy had prevented this further extension of the brevet, and he trusted that the House would not be called upon to divide upon the Motion of the hon. and gallant Member.

MR. HUME rose to protest altogether against the hon. and gallant Member's Motion, and his doctrine. He talked of paltry economy. Why, that was the language that had led to the present enormous amount of taxation. He (Mr. Hume) said, the brevet had been used in a most scandalous and infamous manner by the Government. The last four brevets had added 100,000*l.* a year to the expenditure of the country, and before 1843 four other brevets added 64,000*l.* a year. This might appear of little moment, but when they looked at the origin of brevets it was

an abuse. The use of a brevet was to advance some particular officer for some particular occasion, but it had been made to add to the general ranks of the Army. It was by such means that the finances had been brought into their present condition, which had attracted the observation of every one. With regard to the promotion of the mayors of Cork, Belfast, and Dublin, he should have had no objection if the Queen had made each of them Dukes. She might have made Peers and Baronets of all classes, because that was no additional expense to the country. He held that no single promotion ought to take place in the Army or Navy more than was required for the exigencies of the public service. We had already more officers than we could employ in the Navy, about five to one.

COLONEL DUNNE should be the last in the world to wish to interfere with Her Majesty's prerogative; but being in Dublin at the time, he could speak to the disappointment that was felt, that the promotion was less to the officers of the line than to those of the staff.

MR. B. OSBORNE hoped the hon. and gallant Member would not divide the House. He was one of those who thought that a brevet ought not to take place, because it was peculiar to the English Army. But if a brevet did take place, he quite agreed with his hon. and gallant Friend, that it ought to be fairly distributed; but he must say, that on a late occasion, unfair favouritism was shown to the officers in Dublin. One officer, Colonel Reeve, was passed over, while his juniors in rank were elevated.

COLONEL RAWDON hoped the hon. and gallant Member would see the propriety of withdrawing his Motion, instead of pressing it to a division in the present feeling of the House, which would certainly prejudice his case.

MAJOR BLACKALL should be sorry to act against the feeling of the House; but not a word had been said to justify the extremely limited extent of the brevet. He had not found fault with any of the promotions that had taken place, but merely complained that the brevet had not been carried further. With regard to economy, he must say he believed that these officers had a claim upon the country. With the permission of the House, however, he would withdraw his Motion.

Question proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, withdrawn.

#### SUPPLY—PUBLIC EXPENDITURE.

Question again proposed—"That Mr. Speaker do now leave the Chair."

MR. COBDEN, after presenting a petition from Liverpool, signed by 3,000 persons, in favour of financial reform, said: Sir, the reason why I submit this Motion to the House to-day is that I am anxious, before we commence voting public money, that we should have an opportunity of taking a general review of the financial state of the country, with a view to devise means, if possible, for a large reduction of the expenditure. I know no other way by which to bring this general review before the House, for ours is a peculiar mode of dealing with the finances of the country. This House never has brought before it, as is the case in other countries, the whole expenditure with a view to take a general review of it. We have the estimates in detail after the Government has decided what those estimates shall be. The House goes through the empty form of sanctioning those estimates, and one of the reasons why we are generally inclined to approve those estimates is that any refusal to approve them is assumed to be a want of confidence in the Executive, and therefore it is tantamount to their removal. Now I think we ought to have the opportunity of discussing this question apart from such considerations. I do not bring forward this Motion in a hostile spirit. I have not framed my Motion in the terms of an address to the Queen, but I have moved a resolution that we ought to take steps to return to the expenditure of 1835. I was misunderstood by the House on a former occasion, for it is a systematic course to misrepresent any movement of this kind. I do not wish to be misrepresented, as meditating an immediate return to the expenditure of 1835. I have framed my Motion in precisely the same words as last year. I then moved for a reduction with all practicable speed. I move the same now. I do not say that you can return to the expenditure of 1835 in one year or two, but I assume that in the present state of the country, in the present state of our domestic affairs and of our foreign relations, there are no obstacles to a gradual return to the expenditure of 1835, provided the Executive Government have the sanction of the House for such a course. And, mark me, if events should happen to change the circumstances of the country, there is no reason why you should not next year reverse the decision that

you might come to in this. I only ask you to consider now whether, in the state of our foreign and domestic relations, you are not entitled to expect from the Government that they should return to the expenditure of 1835. I am anxious to bring forward this Motion on another ground. We have intimations in this House that there are to be Motions made for a reduction of taxation. Now I hold it to be self-evident that you can have no large reduction of taxation unless you have a corresponding reduction of expenditure. I know there are certain parties who think you may shift the burden from one shoulder to another, and thereby give relief to the country. I know there are many who look with very considerable scorn at those who merely take the vulgar view which I do, that you must reduce expenditure in order to reduce taxation. They say "those are vulgar politicians. More good is to be done by a review of taxation, and a remodelling of taxation." Now, I say once for all I have no faith in such a theory. I know of no means of reducing taxation by removing the burdens from one to another—I know of no means of relieving all except by reducing taxation; and I defy you to lay your hands upon any party in the country who is now willing to bear additional taxation. And therefore when you propose to modify taxation you will find as much resistance from those on whom you are going to put the taxes as you will receive support from those who are to be relieved. Then we come to this point, are you anxious to give relief from taxes which press upon industry? I do not confine myself to the excise duties, but I tell hon. Members—those who are anxious to have the malt tax or the hop duty removed—that it can only be done by such a measure as that which I now propose; and before we are brought to vote on the Motion of the hon. Member for the East Riding, I am anxious that we should come to a decision whether we will make such a reduction of expenditure as will warrant that withdrawal of taxation. I have moved on a former occasion that we should return to the expenditure of 1835. I do not take the expenditure of 1835 in an arbitrary spirit. I feel anxious, in common with other hon. Gentlemen, for a reduction of expenditure. I look about to see what is the cause of the increase of expenditure. I ask when the increase begins, and in the course of these inquiries, on turning to the first point at

which the increase begins, I go back to the year 1835, but I do it only in order to refer to one point as a resting-place. And I am doing nothing new. This has been treated as though I was for the first time taking this course. It is a course that was taken by the Whigs. For a quarter of a century they always referred to the expenditure of 1792. My hon. Friend the Member for Montrose will bear me out in the statement that from the close of the war to the passing of the Reform Bill, constant reference was made to the expenditure of 1792, not only by the Whigs but by the Tories. I am therefore not taking any new course in the plan that I pursue, and I am not entitled to be pooh-poohed by the very men who have followed that same course. I do not ask hon. Gentlemen to go back to the expenditure of 1835 because a certain expenditure was then incurred; but what I ask you is, whether there is a necessity, after all that has taken place since 1835, to expend more? And I call upon the Government to show the grounds that exist to prevent a return to the expenditure of 1835. When I speak of 1835, I am quite prepared to take an average of 1835, 1836, and 1837. Now, with the permission of the House, I will read—and I beg hon. Gentlemen to bear with me while I read—a few figures, and that they will discard altogether any feeling of prejudice on other questions. I ask them to go into this as a matter of business, with a desire to consult the interest of those who send them to Parliament, who I believe, on this question, feel precisely the same as my constituents do. I will read the particulars of the heads of expenditure for the year ending the 5th of January, 1836, and the 5th of January, 1850. The interest of the funded and unfunded debt was, for the year ending 5th January, 1836, 28,514,000*l.*; and for the year ending 5th January, 1840, 28,323,000*l.*; so that the interest of the debt in the latter year was nearly 200,000*l.* less than in 1836.

	Year ending 5th Jan. 1836.	Year ending 5th Jan. 1850.
Interest on Debt .	£28,514,000	28,323,000
Army ... ..	6,406,000	6,549,000
Navy ... ..	4,099,000	6,942,000
Ordnance ... ..	1,151,000	2,332,000
Civil expenditure of all kinds ...	4,225,000	6,702,000
Total ... ..	44,395,000	50,848,000

When I brought forward my Motion last year, taking the finance accounts of 1848,

I stated that the increase of expenditure was nearly 10,000,000*l.* as compared with 1835; but the finance accounts of last year as compared with the previous year, show a reduction of 3,344,000*l.* You have, therefore, at the present time to deal with the expenditure last year of 50,848,000*l.*, as against an expenditure in 1835 of 44,395,000*l.*, leaving an excess in 1850 of 6,453,000*l.* And, bear in mind, I take the last year's expenditure from the finance accounts; I am not dealing with the estimates of the present year. By the Army and Ordnance Estimates of this year, so far as they are laid before us, I see there is a considerable further reduction; I believe I may assume that it will be nearly or quite a million; and that will bring the excess at the end of this year over 1835, to something like 5½ millions. Well, that is encouraging, and so far satisfactory; and it ought to be encouragement for us to pursue the same course in this House, by pressing a similar line of policy on the Executive. For I venture to say, that if these efforts had not been made in the House, and by those gentlemen in Liverpool who have been somewhat censured—I mean the Financial Reform Association—I very much question if these reductions would have been made; I question if they could have been made; because we all know that there is an amount of resistance, in certain quarters, to the Executive Government—an amount of solicitude and pressure, such as we have been delayed by to-night, in the speech about brevets—which, unless the Executive are backed by the stern resolution of this House, and the determined efforts of the country, it is impossible for them to resist. Assuming, then, that there is an excess of 6,500,000 in the expenditure of last year over 1835, how do I propose to reduce that excess, so as to return to the 44,395,000*l.* which we spent in 1835? Without assuming the functions of the Chancellor of the Exchequer, or making myself responsible for the details, I will just intimate one process by which this reduction may be effected. I propose to take gradually 5,823,000*l.* from the amount expended last year in the Army, Navy, and Ordnance; already nearly 1,000,000*l.* is taken off; but I wish to be understood as dealing always with the excess of 6,500,000*l.*, not taking the estimates of the present year into account at all—I would take 5,823,000*l.* from the amount expended last year, by gradually reducing the Army, Navy, and Ordnance

by that amount. That would leave 10,000,000*l.* as the expenditure for our armaments; and I beg hon. Gentlemen to remember that amount of 10,000,000*l.* that I may not hear repeated what was stated last year, namely, that I was dealing with this subject in the spirit of a Quaker, and proposing to leave us utterly defenceless. I would do this gradually. The remaining 630,000*l.* I propose to take from the civil expenditure, from the cost of collection, and to gain it from the better management of the Woods and Forests. To begin with the civil expenditure. The expenditure for all branches of the civil service last year was 6,702,000*l.*; in 1835, it was 4,225,000*l.* Of the seven items under this head, I begin with the civil list, which stands at 396,000*l.*, against 510,000*l.* in 1835. On this, as the amount appropriated to the service of Her Majesty, I have not one word to offer. The amount settled upon the Queen on Her accession to the Crown having been as an equivalent for hereditary revenues surrendered to the country, in my opinion, gives the Sovereign as good a title to that amount during Her lifetime as many of our ancient nobility possess to their estates. Therefore, let me not be understood, after such a plain avowal of my conviction, to utter a syllable differing from that which any one has ever heard me, either in this House or out of it. There is a general impression throughout the country that the Queen has an exorbitant income, because this amount of 396,000*l.* is applied to Her civil list; but the country ought to know that the Queen herself has only 60,000*l.* a year placed at Her disposal. The rest goes in the expenditure of different departments of Her Majesty's household, and for maintaining the state and dignity of the Throne. If I remarked at all upon this expenditure, it would be upon some of those points. There are items in that expenditure which I think might, with great advantage to the Crown, be transferred to other purposes. Take the case of the Master of the Buck Hounds. I believe that establishment costs 6,000*l.* or 7,000*l.* a year. It is really an absurdity. Let that sum be applied to the maintenance of one of the Queen's Judges. I do not see why it should not be sufficient to maintain the Lord Chief Justice. I think that would be quite as conducive to the Queen's honour and dignity as if it were voted for the service of the buck hounds; and I very



much question whether it would not be more satisfactory to Her Majesty herself. But I am quite sure that that kind of expenditure does not contribute in the result to the honour and dignity of the Sovereign; and if, as we all know, the Queen does live in the affections of Her people, it is not attributable to such idle pageants as the buck hounds, but rather to those quiet, domestic virtues which peep out from the retirement of Osborne. However, I never dwelt upon this as an amount that would largely contribute to the relief of the country; and I pass on to the next item. This is, 464,000*l.* annuities and pensions for civil, naval, military, and judicial services, charged by various Acts of Parliament on the Consolidated Fund. In 1835, this item was 524,000*l.* It consists of pensions and annuities; it would be obviously very invidious to point out particular names; and I do not propose to touch them. They have been granted by Acts of Parliament; parties have made their arrangements expectant on those pensions and emoluments being theirs for life; and theirs they shall be, for anything I will do to disturb them. But I think hon. Gentlemen on the other side will agree with me, that it is essential to guard against the repetition of these pensions and emoluments in future. There are a number which, I am sure, could not be repeated in our day, and never will be repeated. But it will require vigilant guardianship from this House and the country, if we are to profit by the demise of these annuitants. Casting your eyes over them, you will see that, necessarily, from the age of the recipients of these pensions, there will be a very considerable, and probably a speedy, diminution in the burden borne under this head. The largest annuity has lapsed within the last six months. Everybody, then, will agree that it is not unreasonable to expect a considerable annual amount dropping in from these pensions and annuities, and that a considerable reduction may be made under this head. I come next to salaries and allowances. These come under a different category altogether. Hon. Gentlemen looking over our finance accounts of last year will find one feature very prominent—the number of Commissionerships. I think we have too many commissions. I should very much prefer to a commission one well-paid responsible functionary. I cannot, for the life of me, understand why, whilst you give to the *Home Minister* and the *Foreign Minister*

such powers as they have in this country, you should not give to some one individual of good character and good talent the most responsible Commissionership you have to give. You would have the business better done by employing one man than a dozen; it would be not only better done, but cheaper done. Therefore, under this head of salaries and allowances, I hope we may have boards turned into individuals. I think it was Jeremy Bentham who said, “a board is a screen,” and it was a very good pun. I come next to diplomatic salaries and pensions. Three, I think, we have a rich harvest field indeed. The total charge for one year is 172,595*l.* Your Ambassador to France has 10,000*l.* a year; that is his direct personal salary. The Ambassador to Austria has 9,900*l.* I will give an instance or two of what the United States pay for these services. If I were comparing the expense of a Monarch with that of the elective chief of a Republic, I admit that the analogy would not hold; but when you come to the question of the representatives of a great Empire, and find the Ministers of England and America, living in the same city, subjected very much to the same necessary expenses—I do not speak of the unnecessary expenses—you may fairly establish a comparison between them. Our Ambassador to Paris gets 10,000*l.* a year; the American Ambassador gets 2,000*l.* Our Ambassador to Austria gets 9,900*l.*; the American Minister, 1,000*l.* Our Turkish Ambassador gets 6,500*l.*; the American Minister, 1,300*l.* Our Envoy to Russia gets 6,600*l.*; the American, 2,000*l.*; and so on. Many of these little diplomatic appointments ought to be suppressed altogether. For instance, Hanover, with 3,400*l.* for a Minister; Bavaria, with 4,000*l.* What earthly ground can there be for keeping a Minister at Munich? There are many hon. Gentlemen who do not like to hold the language in public which I do; but they all say this in private; they all know these appointments are purely ridiculous, that there is nothing for the parties to do. After looking over this diplomatic list, my firm belief is, we ought to reduce the expense one-half, and then we should be paying twice as much as the Americans pay for the same services. I come next to courts of justice, the cost of which for the year ending 5th January last was 1,105,000*l.* In the year ending 5th January, 1836, it was 430,000*l.*, an

increase of nearly 700,000*l.* As hon. Gentlemen know, that mainly arises from the insertion of a charge of 551,000*l.* for the Irish constabulary force. Though that item, I suppose, must remain, on looking over the list, we shall find a great deal to do. The salaries of our judges were raised owing to the special circumstances of the time. I am one who think it would be very bad economy to pay judges too low, lest they should resort to the practice, which has been used elsewhere, of paying themselves; but I think there is great room for reduction in those salaries in future, when I find such sums as 7,000*l.* and 8,000*l.* a year as the current emoluments of those officers. The enormous salaries paid in Ireland are wholly disproportionate to the resources and position of that country. To find a judge in Ireland receiving 8,000*l.* a year, and to know that in the United States the highest judicial functionary that exists in the world—the one who has more responsible functions than any existing judge, the judge of the supreme court at Washington—who, besides settling all international disputes between the several States in the Union, interprets, without appeal, along with his colleagues, the constitution of the United States—that this officer receives only 1,200*l.* a year, and that some of the most eminent men of the age have filled that chair—I say it is an anomaly and an unjustifiable fact that you have judges in a country like Ireland receiving 8,000*l.* a year. Here is an item of 398,000*l.* spent last year, against 274,000*l.* in 1835, for miscellaneous charges on the Consolidated Fund. Of this item upwards of 60,000*l.* is for commissioners in Ireland. Surely these are not to last for ever; and some might be managed at a little less expense. Some of the items cannot be avoided—the interest on the Sinking Fund in the Russian and the Greek loans, those cannot be touched; but we ought to use the pruning-hook on these commissions in Ireland. I pass on to the greatest item of all—miscellaneous charges and annual grants of Parliament, 3,911,000*l.*, against 2,144,000*l.* in 1835. Under this head come all our public grants, all the salaries and expenses of the public departments, and all our colonial and consular establishments. The very words I have read indicate the excessive amount of expenditure involved under this head. First, “public works.” Why, the House we are in, or rather that we hope to get into, is a scandal to us. I

had no voice in the selection of the form and style of architecture of the New Houses of Parliament, or probably I might have erred as well as the rest; but it seems to me from the beginning to have been a most melancholy blunder. If you had been determined to adopt the most expensive style, and had sought for means of lavishing the public money so as the result should never be seen, known, or appreciated, you could not have done worse than adopt this florid Gothic style. And I must say that the whole expense of our establishment, our whole proceedings, printing, and everything else, from the uppermost pinnacle of the New House, down to the sweepings of this floor, the whole of the proceedings and business of the Houses of Parliament are characterised by probably as much disgraceful waste and extravagance as any branch of the public service. And I think we ought to mend that before we set about to mend other things. I do not go into the details to criticise them; and I will tell you why. I have proposed that there shall be a saving of 650,000*l.* upon the several items to which I have referred; and I have no doubt that the hon. Member for Oxfordshire, from the views he entertains as to the necessity of reductions in the salaries of public servants, and the cutting down of our establishments generally, will guarantee me a larger saving than that in the course of a few years, and will admit that it is very easy to see our way to a great reduction in the 6,500,000*l.* of civil expenditure, coupled with the 4,800,000*l.* the cost of collection, together upwards of 11,000,000*l.* sterling; and that I am not assuming an impossibility when I say that from that amount you may save in no very distant period 650,000*l.* Without dwelling on that point, I will pass on to that which, as the largest item, deserves the most consideration—the cost of our armaments. Last year, when I had the honour of submitting this Motion to the House, I began by detailing the different and successive increases that had been made to our military and naval establishments. I showed that from 1836 down to 1848, you had a continual succession of increases of your military and naval establishments, to meet certain special exigencies, such as the Oregon dispute—the Maine Boundary dispute—the M’Leod dispute—the Tahiti affair—the Syrian business; and that when the exigencies which had given rise to the increase of your establishments had passed away, the ex-

penditure, which had been increased to meet those exigencies, had never been reduced again. But we come to the discussion of this subject now with the additional advantage of another year's experience. We are another year further removed from that great crisis in the affairs of Europe, which everybody had expected was to lead to certain calamitous consequences in the form of international war. Now, if there be one consoling feature in the picture, one drop to sweeten the cup of gall that has overspread Europe during the last two or three years, it is this—that we have elicited from all that turmoil and convulsion the fact that there is not a disposition on the part of the great bulk of the people of any nation to pass their frontiers to make war upon a neighbouring nation: I speak of the people as distinct from their Governments; because we were always told before, that when Louis Philippe should die, the French people were so inclined for war, that they would break their prison bars and ravage Europe more like wild beasts than human creatures. Well, we have seen them with the reins in their own hands, and we have seen no disposition on their part to carry war into their neighbours' territories. I do not want you to assume that the Millennium has come, and that there will never be another international war; I do not ask you totally to dismantle your ships and leave your ports defenceless; but what I contend is, that the experience of the twelvemonth since I last had the honour of addressing you on this subject has been rather confirmatory than otherwise of the views I then expressed with reference to the safety of a gradual reduction of our armaments. I alluded last year to another point, on which I frankly said the whole chance of a considerable reduction of our Army must depend—the state of our colonial relations. Since then a most important event has occurred: the Prime Minister of the Crown has adopted the very language I held—I do not say from me—but he has used the same language with reference to the self-government of the colonies which I have ever used. The noble Lord goes the full length that I go on that subject; nay, I confess he has agreeably surprised me in one of the provisions of his constitution for Australia and the Cape, where he allows them complete and absolute control over the form of their own constitution. I think that is perfectly right; and I am delighted to see the noble Lord going to that extremest

of extreme lengths in the direction of self-government. What does he propose to do? To give to those colonies the right of forming their own constitutions, levying their own taxes, fixing their own tariffs, disposing of their own waste lands. You have talked and dreamt of vast continents in our colonial possessions which the English people have been told belonged to them, and were to yield them aid and assistance in bearing their burdens and maintaining their position amongst nations; but you have now given up those vast continents to the people who live there. I think that is perfectly right; but look at the consequence. You cannot afterwards, even by an Act of the Imperial Legislature, give 160 acres of land, as the American Government does, to deserving citizens—nor even a single acre to the most deserving veteran in his country's service. I complain not of that; but what I ask, in reference to the question I am now bringing before you, is this: Does the noble Lord intend to stop there? Are we to give to the colonies as complete an independence, nay, more independence, than the States of the American Union possess, since they cannot dispose of an acre of waste land, and have not the power to touch their tariff—shall we give to our colonies that full measure of self-government, and shall the people of this country be called upon, by the same Prime Minister who does all this for the colonies, to pay the whole expense of the military police that occupies those colonies? I come before you on this occasion, with reference to the maintenance of our Army, under totally different circumstances. I maintain that it is utterly impossible for any Minister—any Minister with a head upon his shoulders—after declaring what we have heard declared with reference to Australia, to the Cape, to New Zealand, and to Canada—to contemplate the permanent charge upon the taxpayers of this country of maintaining a military police in those colonies; for it is but a military police. It is not an army kept up to defend those countries from foreign attack. No; we charge ourselves with defending them in case of war; but we keep up military establishments 10,000 miles off, and send periodical reliefs at an enormous expense, to serve as a police for a people better able than the mass of people in this country to pay for their own. And how inconsistent is this course with what we hear stated when our own country is spoken of. When an extension of the

franchise in England is proposed, and anybody ventures to quote the example of America, he is instantly answered with this remark, "Yes, they have there boundless plains of fertile land on which to fall back. They are not cooped up in the narrow streets and crowded cities of England. Place England in the same position, with the Mississippi valley at her back, and you may give Englishmen the same institutions as the Americans." But you do place our own people in the same position in Canada, in New Zealand, in Australia, and the Cape; and yet you do not apply the same principle, and tell them to preserve their own peace; but you call upon the people of this country, who have to maintain their own police, and to keep their own great cities in order, to maintain establishments, necessary for preserving order in these scattered, and thinly-peopled, and favoured communities. In assuming that you may make a considerable reduction in the expenditure for your armaments, I have assumed a gradual withdrawing of your armies from those colonies to which I have referred. Do not let me be answered by pointing to our arsenals at Malta and Gibraltar, or by a reference to Ceylon or Jamaica, or any of those colonies where the aboriginal or the African race predominates. But confining myself, for the present, to those countries where the English race can become indigenous and where it preponderates—and I make no exception of New Zealand—where the population are being civilised, I say you cannot maintain the charge you now place upon this country of paying for the military establishments in those places. For what is the object? Is it that the sole connexion between England and the colonies should be the expense of maintaining those establishments? I know no other motive, except it be to preserve the patronage; and it will be for this House, if it fairly represents the people of this country, to say that the only reason for persisting in this anomaly, being that of maintaining patronage in Downing Street, is not a good reason for taxing the people of this country. So far with reference to the means for gradually reducing your Army, by withdrawing the forces from the colonies. In addition to the forces kept in the colonies, there are the reliefs necessary at home, in order that those forces may have their appointed times at home, and the number always on the ocean going and coming for relief—together not much short of 20,000

men. That gives the means for a considerable future reduction in the Army. But I maintain that, since 1835, you are in a different position with respect to the Army that you require at home. First, with reference to the means of transport. Why, you forget that since the opening of railroads has linked the extremities of the kingdom together, the same amount of troops gives you a vastly increased power. I have here a very interesting evidence on that subject. General Gordon, Quartermaster-General, stated in his evidence before the Committee on Railways in 1844—

"I should say that this mode of railway conveyance has enabled the Army (comparatively to the demands made upon it a very small one) to do the work of a very large one; you send a battalion of 1,000 men from London to Manchester in nine hours; that same battalion marching would take seventeen days; and they arrive at the end of nine hours just as fresh, or nearly so, as when they started."

What have individuals done in consequence of railroads? They have adapted their circumstances so as to profit by this quick communication. Men of business, for instance, habitually keep smaller stocks of goods, because they can sooner renew their supplies. Last year, in the Committee on the Ordnance Estimates, we applied the same principle. We found that enormous stores were kept in London, and also scattered over several parts of the country; and we recommended the Government to avail itself of the facilities of the railways, as private individuals do, and keep smaller stocks in store and fewer establishments. They have promised to conform to that recommendation. I want them to understand the principle, and to go a little further in its application. Let them also avail themselves of the ready communication which exists to do the same amount of work in cases of need with a smaller number of troops. Even assuming that unhappy position, which I am loth to do, that your soldiers here are to be considered an instrument for keeping order—for I cling to the opinion which was always held and expressed by right hon. and hon. Gentlemen on that front bench thirty years ago, that this is a constitutional and civil country, and ought not to rely on military force at all, but—admitting the unhappy position that the bayonet is necessary for the preservation of order, I say that one bayonet now is capable of doing more than two could do in 1835; for there was then no railway communication between our large towns; the London and Birmingham



Railway was not made; the only important line then open was the one between Liverpool and Manchester. But this is not the only means which I see for a prospective reduction of our Army. Since 1835 you have very largely increased your forces in other ways. For instance, you have 14,800 out-pensioners enrolled; you have 9,200 dockyard men enrolled in battalions, and drilled to use both large and small arms; you have 2,800 or 3,000 of the county constabulary. Here is an increase of 27,000 armed men, to which may be added 5,000 for the increase of the constabulary in Ireland since 1835. That was an increase of 32,000 since 1835, and it formed an additional ground why there should be a gradual reduction in our armed force. Now take the case of Ireland. Ireland has been always the unhappy excuse for keeping up a large army at home. Ireland is now tranquil, and by passing good measures for her, and giving her a representative system and institutions like our own, you would do more than twelve regiments to keep the peace there. Ireland was never before so free from political excitement and organisation as she is at present. She is now brought within a day's journey of London, and I trust that she will not be treated in future in any respect like a conquered province. You have 25,000 troops in Ireland—that was the amount last year, according to the statement of the right hon. Gentleman the Secretary at War; you had an increase of 5,000 to 7,000, in the constabulary; you had an increase of 5,000 pensioners. You have altogether in Ireland an armed force of 40,000 to 42,000 men at the present time; but in 1833 you had not more than 23,000 or 24,000 of all ranks. I say, therefore, that Ireland affords the means of a considerable gradual reduction in the Army. But it is not in the mere reduction of the forces that I wish to see economy. On technical points I do not wish to give any opinions of my own, but I can vouch for the fact, that the organisation of our Army is the most expensive and extravagant in Europe, more especially as regards the number of its officers. What possibility of reduction exists so long as you maintain its present organisation? Last year you turned out a number of disorderly and drunken men who had subjected themselves to punishment; but I complain that you have not reduced the officers as well as the men. This year the very same process is going on. You propose to reduce 1,800 rank and file, but I

can see no corresponding reduction in the number of officers. I hoped to see the withdrawal of a major or one or two captains, but I find their number is just as great now as it was before. Independently of the reduction in the number of men, you might effect considerable economy by a different organisation of the Army. It does not require a military man to know that. In your cavalry regiments, in particular, a change is required, because they are the laughing-stock of Europe. I asked a distinguished military man, at present in London, who occupied a high grade in the service of Austria, and acquired some celebrity in the war in Hungary, to look over the army estimates with me and to see how differently they manage these things with us and in Austria. I believe the Austrian system does not differ much from that of France and Prussia. Well, when I showed him the estimates and told him how we managed, he laughed outright at the force of our cavalry regiments and the number of officers. The organisation of the Austrian regiments is this:—The light cavalry of Austria, comprising lancers, hussars, and light horse, have in time of peace 8 squadrons of 180 men each, or 1,440 men; and in war, each squadron has about 200 men. Each regiment has 1 colonel, 1 lieutenant-colonel, 2 majors, 8 captains of first rank, 8 captains of second rank, 16 lieutenants of first rank, 16 lieutenants of second rank; total, 52. The dragoons and cuirassiers are organised in the same manner as the light cavalry, with the exception that there are only 6 squadrons and but 1 colonel and 1 major. This gave one officer for every 28 men. Now in the English guards there are 32 officers to 351 men, or one officer to every 11 men. In the cavalry regiments of the line there are 27 officers in a regiment of 328 men, or one officer to every 12 men. The result to which we came was this, that if you put two English regiments into one, with only half the present number of officers, you would have still 20 per cent more officers in an English regiment than in an Austrian one. I recommend the Government to alter this system, if it were only to take away the justification which the members of the Liverpool Financial Reform Association had when they said that our Army was kept up for the purposes of the aristocracy. Until you remove these facts, no person in the entire country will believe that these forces are organised with an eye to the best interests of the mass of the people.

If you want to show that you *bond fide* desire to reduce the number of our forces, amalgamate the regiments—retain the number of bayonets if you will, but do not keep so many officers. But whilst you reduce the men, the really effective portion of the forces, and retain the officers, the most expensive, the country will say that you keep up your Army for the benefit of the aristocracy. I do not pretend to any technical knowledge myself on this subject, but I am prepared to give the name of my informant to any gentleman who desires it. Now, with regard to the Navy, it has increased to a very large extent since 1835. The great increase of expenditure has been for the Navy. It has increased from 4,099,000*l.* to 6,942,000*l.* Now, I say there is nothing in the state of affairs in Europe which should deter us from contemplating a gradual reduction in our marine forces. And here, again, I have to complain that the organisation of our Navy is formed, not with regard to the interests of the commerce of the country, but has been made subservient to high patronage, because, if you compare it with the navy of the United States—and no person will say that we would do wrong in comparing ourselves with the United States in marine matters—you will find that the United States have only one line-of-battle ship at sea; but wherever their commerce is extended—and it extends over every ocean and sea—you will find small vessels of war. Thus they make their navy answer that purpose which a navy should answer in time of peace—that of a police force for their mercantile marine. But we keep an enormous number of line-of-battle ship at sea, which are not of the least use as a police or safeguard of commerce. As to the idea of their looking after pirates, for instance, you might as well think of getting field batteries to run after pick-pockets in the courts and alleys of London. But although we wanted small ships of war, we did not possess them, because the Navy as organised at present, offered more ready preferment to the higher classes. But there are reasons for reducing the Navy now which did not exist in 1835, for we have now, independently of the royal ships, a new power which is available as a reserve force, in the steam vessels which we use for the purpose of Post-office communication. Last year I sat upon a Committee which inquired into the practicability of using all our steam vessels—all our merchant steam vessels—as a means

of national defence. We stated in our report that it was practicable to call into use an immense amount of steam power which may be made available in case of necessity. We stated that 108 steamers of 400 tons burden and upwards, of which there were 35 of more than 1,000 tons, could be made available for national defence at a few weeks' notice, and that there were 700 or 800 vessels altogether, on every one of which some kind of armament could be placed in case of necessity. In six weeks time the larger vessels could be fitted as war steamers, and a large weight of guns could be placed on-board of them, in case of any sudden emergency or hostility. My hon. Friend the Member for the Orkney Islands, who very much promoted that Committee, will tell you what amount of mercantile steam force you may be able to call to give assistance. Nothing of all this existed in 1835; and therefore I say you have here the means of saving the current expenditure of the Navy. In the present state of the Navy, as of the Army, I see reasons why you may diminish your expenditure. I do not think your fleet in the Mediterranean is of any use or credit to you at the present moment. I think those great line-of-battle ships now in the port of the Piræus would be much better employed if laid up in ordinary or on the stocks; because as long as you keep in commission, in time of peace, these enormous armaments, you will find a disposition, either on the part of the Government, or of the Foreign Secretary, or of the Admiralty, to employ them in some way or other, in order to have an excuse for renewing the estimates at the year's end. How differently the Government of the United States acted! They acted in a manner which ought to be a lesson to us. They never armed themselves to the teeth in time of peace in order to frighten foreign Governments, for they knew that foreign Governments would give them credit for the latent strength which they possessed, and that they would never be encroached upon whilst they had such power in reserve. Our policy, on the contrary, has been founded on the supposition that foreign Governments would not give us credit for strength unless we kept a great number of line-of-battle ships afloat. I would recommend you to adopt quite a different policy—reduce your armament—diminish your taxation, and thus you will increase the prosperity, comfort, independence, and

happiness of your people. You will thus more assimilate their condition to that of the people of the United States, who are more prosperous mainly because they are less taxed. Do this, and you will do much more towards the defences of the country than by expending money for line-of-battle ships and steam vessels of war; for I maintain, that by converting your iron and steel into ploughshares and spinning-jennies, you will add more real strength to the country—when the necessity arrives—than by turning them into bayonets and cannon. Every day's experience more and more illustrated the maxim, that money formed the sinews of war, and that those who were encumbered with large arrears like France and Austria, were in a position to be bullied by countries which had not one-tenth of their force in preparation in actual ships and regiments of the line, but which had an easy exchequer and a margin in taxation, which valuable resources could be drawn on when the necessity arose. When I say this, I am not to be told that I am urging a disarmament, for what I ask is a matter of opinion, the expediency of spending 10,000,000*l.* on your armaments instead of 15,000,000*l.*, as you proposed to expend next year. I now come to another department—the Ordnance. It is impossible for any man to look into the Ordnance Estimates without feeling satisfied that a great deal might be saved by a better and more economical management in that department. It had been said in answer to my argument for reduction last year, that the stock and stores in hand had been allowed to run too low in 1835. I have heard it alleged against the right hon. Gentleman the Member for Ripon—to whom I always gave credit for his management of the Admiralty in 1835—that he left the department in such a state that much more money had to be expended afterwards in procuring stores for the Navy. I can only say that we found it necessary in the Committee on the Ordnance to remonstrate with the Government for keeping too many stores; and the same reproach applied to the Navy for the waste which took place in that establishment. The Committee which sat on the Navy and Ordnance say, that you may save 15 per cent in the amount of stores, that you will get them better manufactured, and have less waste by keeping a less quantity, whilst you will not be obliged to sell 400,000*l.* or 500,000*l.* worth of old stores, as you have done heretofore, at a loss, I

will undertake to say, of not less than from 50 to 75 per cent. I am now going to speak on a technical point with regard to the Ordnance force, but I do not do so on my own authority. You have very much increased your artillery as well as the sappers and miners, and the engineers. Now a professional gentleman has told me that a great saving might be effected if a large number of the artillery corps, who were now maintained here doing comparatively nothing, were employed to garrison our fortresses abroad, instead of employing troops of the line for that purpose. By this means, I am told, the men could be kept in practice in places which were appropriated for it, and could be withdrawn from places where they had no room to manœuvre. I know nothing on this point myself, but I mention it as having been stated to me on some authority. I calculated that a great reduction may be made in the Ordnance department in respect of stores, and what I may call the civil department of the Ordnance. I believe all parts of the service are themselves dissatisfied with the Ordnance, and everybody looks this year for a considerable re-modification of that establishment. I therefore come to this conclusion. There are general and special grounds why we may hope within the course of a few years to see a large reduction in our Army, Navy, and Ordnance establishments, without the least danger to the peace or security of the country. Did hon. Gentlemen consider what 10,000,000*l.* is? Did they consider that it was twice as much as was expended by the United States before the Mexican war? It is more than the whole expenditure of Prussia. The whole expenditure of the Prussian Government did not amount to so much as I propose to leave for the Army, Navy, and Ordnance. I ask hon. Gentlemen to put alongside of the danger—if any danger there be—of being left with only 10,000,000*l.* for the expenses of their military establishments, the inconvenience, the risk, and even the danger of leaning on taxation as it is now. For I do not consider this country lightly taxed. Some one in the City has written a pamphlet to show that this country was lightly taxed. The way in which he proceeded to do this was by comparing the expenditure now with what it was during the last three years of the war, and then he argued, that because our expenditure now was not more in proportion to our wealth, we were not heavily taxed. It

may be true that we are not more heavily taxed now in proportion to our wealth than before; but what I contend is, that wealth does not pay the taxes, and if it did pay the taxes, you would not have a rich man in the City writing to show that it was lightly taxed. Why, about 35,000,000*l.* or 36,000,000*l.* is raised in this country from consumable articles. Then this, of course, is a most inconvenient tax. I say inconvenient; and whatever you do, and however you do it, not many years can pass without an alteration of this system, and the abolition of many of those taxes which now press on the industry and manufactures of the country. Another doctrine was lately enunciated, that we were not to have a remission of taxation, even if we were to effect a surplus by the reduction of expenditure, but that any surplus that existed should be applied to the reduction of the national debt. I am for the payment of that debt, but you cannot do it by setting aside 2,000,000*l.* to pay 800,000,000*l.* Some grander scheme must be propounded before any Minister could pay such a national debt as ours with a surplus of two millions. The right hon. Baronet the Member for Tamworth began a new system in 1842, by giving relief to commerce, and substituting, to a small extent, direct for indirect taxation. Probably it is not put in the shape most desirable, but in that which is most practicable. But, at all events, I hope you will not part with it. I confess I should like to see the tax on property raised to 10 per cent. But the right hon. Baronet had commenced a new system in 1842, and the impulse which he gave to the commercial industry of the country created an era in its history which was never known before, and the Government now in power could not contemplate to lose altogether the merit which they may acquire by following a policy which had been immensely advantageous to the country. If you wish to pay off the national debt, you must do so by converting it into terminable annuities, and at the same time reducing the taxation which impeded and crippled industry and manufactures. I should have no objection to increase the tax on property to 10 per cent, in order to give the Government the power of remitting taxation, and taking away the impediments to the progress of business, such as affected paper makers, printers, or any others. But the Government cannot do that, I know. They can, however, do

that which I propose, namely, reduce the expenditure to the standard of 1835; that will give them a surplus for the present, besides a growing surplus arising from the relief which will be afforded to industry. In the course of time you would have a surplus of 10,000,000*l.* Is not that important? Divide it into two. With one-half convert a portion of the national debt into terminable annuities; with the other half take away the taxes on soap, hops, paper, and the like. Is it not better to trust to the increased comforts which this would confer on the population as the element of your security than in those armaments on which you spend so much money? This proposition I make is for the purpose of enabling you to take that course. The proposition I make ought to be considered rather as a vote of confidence than of a want of confidence in the Government; for if the House will only allow them, I am sure the Government will be glad to adopt the resolutions I propose. But there is a party in this country who resist every change and every improvement. They do not appear here in public, but they work covertly, and they require to be counteracted if this House desires to accomplish what I propose. I ask you, then, as you value the interest of those who sent you here, not to regard this as a party question, not to go into a particular lobby, because it is I who make this proposition, but to deal with it fairly and *bond fide* on its merits, and I trust in favour of the resolutions I offer for the acceptance of the House.

#### Amendment proposed—

“ To leave out from the word ‘That’ to the end of the Question, in order to add the words “ the net Expenditure of the Government for the year 1835 (Parliamentary Paper, No. 260, 1847), amounted to 44,422,000*l.*; that the net Expenditure for the year ended the 5th day of January, 1850 (Parliamentary Paper, No. 1, 1850), amounted to 50,853,000*l.*; the increase of upwards of 6,000,000*l.* having been caused principally by successive augmentations of our warlike establishments, and outlays for defensive armaments.

“ That no foreign danger, or necessary cost of the Civil Government, or indispensable disbursements for the services in our Dependencies abroad, warrant the continuance of this increase of Expenditure.

“ That the Taxes required to meet the present Expenditure impede the operations of agriculture and manufactures, and diminish the funds for the employment of labour in all branches of productive industry, thereby tending to produce pauperism and crime, and adding to the local and general burdens of the people.

“ That, to diminish these evils, it is expedient that this House take steps to reduce the annual



Expenditure, with all practicable speed, to an amount not exceeding the sum which, within the last fifteen years, has been proved to be sufficient for the maintenance of the security, honour, and dignity of the Nation,"

—instead thereof.

MR. LABOUCHERE said, the hon. Gentleman had concluded his address by asking the House to consider his Motion not in any party spirit. He (Mr. Labouchere) heartily concurred with the hon. Gentleman in that request. If the hon. Gentleman had only proceeded, before the House considered the estimates of this year, to lay before them his own views upon a great variety of topics, he (Mr. Labouchere) should be far from saying he had not taken a wise and useful course; because, he knew the intelligence and research of the hon. Gentleman were such, that upon any subject to which he had addressed his attention his advice would be of service to the House. But the hon. Gentleman had gone far beyond that, and asked the House to agree to specific resolutions, which it would be his (Mr. Labouchere's) duty to urge upon the House the propriety of not acceding to. Unless they were prepared to affirm a proposition in direct contradiction with the facts, and to make a pledge of a most impolitic description, which they might be unable to adhere to with safety, or retreat from with consistency and honour, he confidently appealed to them, whatever their opinions might be upon particular parts of the hon. Gentleman's system, in accordance with their duty to the public, and those principles of economy which ought to be foremost in their minds, to reject the Motion of the hon. Gentleman. The Motion of the hon. Gentleman this year was a repetition of the Motion he made last year. He again pledged the House to revert to the expenditure of 1835, and ascribed the increase of the expenditure of this year as compared with that of 1835 principally to successive augmentations in our warlike establishments. He (Mr. Labouchere) should endeavour to show, in the first place, that the statement was incorrect; and, in the next place, that the pledge would be impolitic and unadvisable. But there was a remarkable difference between the hon. Gentleman's Motion this year, and that of last year, and to which the hon. Gentleman had not made even a passing allusion. That difference was most important. In his Motion this year the hon. Gentleman said that the increase between the expenditure of the

two years which he compared amounted to 6,000,000*l.* In his Motion of last year, he said the difference was 10,000,000*l.*; and yet, notwithstanding that difference, his hon. Friend still went on using the words "successive augmentations," and asked the House to apply that same expression to the expenditure of this year which he asked them to apply to the expenditure of last year. He heartily hoped that if his hon. Friend renewed this Motion year after year, he would have again to alter year after year in the same way this particular part of it. He would endeavour to meet this question fairly, not going into small details, but addressing himself to the great points to which the hon. Gentleman had adverted; and he thought he should be able conclusively to show that, consistently with the facts, it was impossible to agree to the assertion contained in the resolutions of the hon. Gentleman. He said the statement of the hon. Gentleman was incorrect. The statement in the resolution was—

"The increase of upwards of 6,000,000*l.* having been caused principally by successive augmentations of our warlike establishments, and outlay for defensive armaments."

In the first place, he thought he could show that, when they came to sift the accounts, the real increase of our warlike establishments was not the greater part of 6,000,000*l.*, but, in point of fact, amounted in round numbers only to 2,365,000*l.* He had in his hand a statement of the comparative expenditure of 1833 and that of 1849. It was this:—

"Debt, 1835, 28,514,810*l.*; 1849, 28,223,961*l.*; decrease, 190,849*l.* Charges on Consolidated Fund, 1835, 2,082,817*l.*; 1849, 2,794,992*l.*; increase, 712,075*l.* Army, 1835, 6,406,242*l.*; 1849, 6,549,198*l.*; increase, 142,956*l.* Navy, 1835, 4,099,429*l.*; 1849, 6,942,297*l.*; increase, 2,842,868*l.* Ordnance, 1835, 1,151,914*l.*; 1849, 2,332,031*l.*; increase, 1,180,117*l.* Miscellaneous, 1835, 2,144,345*l.*; 1849, 3,911,231*l.*; increase, 1,766,886*l.*; total increase, 6,454,363*l.*"

Of this increase a considerable proportion appeared under the heads of Army, Navy, and Ordnance, viz. 4,166,051*l.* In order, however, to form a just comparison between the expenditure of the two years for these services, deductions must be made from the expenditure of 1849, viz.:—1. The excesses over the estimates of former years, which, though voted in 1849, were not applicable to the service of that year, 642,632*l.*; 2. The appropriations in aid, arising from the sale of old stores, &c., which were applied in diminution of the

expenditure of 1835, but under arrangements of recent years were paid into the Exchequer—these amounted, in 1849, to 421,036*l.*; 3. The Post Office packet service, which formerly was partly defrayed out of the Post Office revenue, but formed a charge on the naval estimates in 1849, 737,200*l.*—total, 1,800,868*l.* (the vote for the packet service in 1849 was 750,000*l.*; in 1835, 12,800*l.*—737,200*l.*) If the House would add up those figures, they would find that the real increase for our warlike establishments in 1849, as compared with that of 1835, was only 2,365,183*l.* He would next proceed to the statement of the hon. Gentleman, that that augmentation, whatever it was, had been successive. He thought he could show that that was a most incorrect expression, and that it was impossible for the House, with a regard to the truth of the facts, to adopt it. Since 1848, instead of there having been a successive augmentation of that part of the expenditure, there had been a successive decrease. Last year his right hon. Friend the Chancellor of the Exchequer, whose absence he particularly deplored on this occasion, for he would have made the statement it was now his (Mr. Labouchere's) duty to make, with far more knowledge and ability than he possessed, on the occasion of the hon. Gentleman's Motion, stated that the following reductions had been made, namely, in the Navy, 730,850*l.*; Army, 378,624*l.*; Ordnance, 337,873*l.*; amounting altogether to 1,447,347*l.* And the House would observe from the estimates, that in the Army, Navy, and Ordnance, of this year, there was a diminution upon those of last year of no less than 424,000*l.*; and if it were not for the accidental cause of his right hon. Friend the First Lord of the Admiralty being obliged to devote this year 100,000*l.* as head money for the expense of capturing pirates, he would have succeeded in reducing the naval estimates to the amount of 500,000*l.* As it was, the reduction in that branch was 424,005*l.*; in the Army, 122,814*l.*; in the Ordnance, 194,184*l.*; making altogether a reduction of 745,003*l.* He contended that the House could not, then, consistently with the fact, assert that since 1835 up to the present time there had been successive augmentations of our naval and military service. On the contrary, it was proved to demonstration that although that might have been true in 1848, our expenditure had since taken a different

course. As to the Army, he had shown that the expenditure had been successively diminished for the last three years. He had an account of the number of men voted for the Army for the last five years. He found that in 1845–6, the number voted was 100,000; in 1846–7, 108,000; 1848–9, 113,000; 1849–50, 103,000; 1850–1, 99,128; so that, since 1848, there had been a decrease in the effective service amounting to 13,872. In connexion with this subject, he would also advert to a point to which their attention was directed last year in reference to the Navy Estimates—he alluded to the objectionable practice in former years of having more men borne on the Navy than were voted by the House. In the present year his right hon. Friend had entirely put a stop to that practice—not a single man was borne on the Navy that was not voted by the House. He found that the number of seamen voted last year was 26,000. On the 30th of November, 1849, the number borne on the Navy was 25,776, being 224 seamen and 321 marines, in all 545 less than the number voted. But although he had thus thought it right to correct what he considered to be a misconception, and consequently a misstatement of the hon. Gentleman with regard to these points, it could not be denied that of late years there had been a very considerable increase of our naval and military expenditure. The attention of the House had been called to the causes of that increase. In the first place, it had been caused by works of defence of great value, which entailed very heavy charges on this country, though of a temporary nature. He meant especially the works of defence of our various dockyards, and at Malta and Gibraltar. He believed that those works were undertaken from a strong sense of their absolute necessity on the part of those who were best able to judge upon the subject, and that the money thus spent, so far from being wasted, was advantageously expended. At the same time, he might remark that this was a source of expenditure which in its nature was only temporary, and would entirely cease as soon as the works, considered essential for the object by competent authorities, were completed. Another great cause of this additional expenditure, since 1835, had been from the necessity of creating establishments for steam-vessels. The necessity of putting our steam fleet on an efficient footing was quite obvious, and an expense for that purpose, greater

than it would be subsequently, had been incurred, and, as he believed, necessarily and justly incurred. The third cause of the increased military expenditure was undoubtedly one to which the hon. Gentleman adverted. Before he sat down, he should feel it necessary to refer more at length to the charge for affording protection to our increased colonial possessions since 1835. The right hon. Gentleman the Member for Tamworth, in the very able speech he addressed to the House in 1845, when a Minister of the Crown, went very fully into the subject; and, after stating that the number of our colonies had increased from thirty-two to forty-five, went into the reasons and necessity of the increase of that part of our expenditure. But still the greater part of the difference of 6,000,000*l.* to which the hon. Gentleman adverted, remained to be accounted for. The smaller part only could be justly traced to the military establishments. The greater part would be found in the civil expenditure; and he would now address himself to the causes of that increase. That arose from charges on the Consolidated Fund, which amounted to 712,000*l.*, and from an increase in the various branches of the civil service, comprised in the annual estimates, amounting to 1,766,000*l.*, making a total of 2,478,000*l.*, which was a larger increase than that of the naval and military expenditure. That increase for civil purposes might be classed under three general heads:—First, those charges which, in a great measure, had, at various times, and for various purposes, been forced on the Government by that House, acted upon, doubtlessly, by the demands and opinions of their constituents. In the next place, charges proceeding from unforeseen calamities; and, thirdly, charges now defrayed by Parliament which were formerly defrayed from other sources; and which, therefore, ought not to be charged as an increase on the expenditure of the country. Under the first head were the following: Harbours of refuge (new charge), 141,000*l.*; payments in aid of county-rates, 148,000*l.*; expenses connected with the poor-laws, 198,000*l.*; Parliamentary and other printing, 82,000*l.*—which he quite agreed with his hon. Friend was a most monstrous and extravagant charge; but he was afraid it would be very difficult for the Government, unless they received more general support from that House than they had hitherto done, effectually to check it; for prison discipline and

convict service, about 400,000*l.*; education, including colleges in Ireland, 225,000*l.*; Registrar General, Tithe and Copyhold Commissioners, &c., 71,000*l.*; British Museum buildings and establishment, 40,000*l.*; New Houses of Parliament, 45,000*l.* He now came to the second class, those charges which, as he said, were owing to unforeseen calamities, and the first he would mention arose from the unforeseen calamity of the burning of the old Houses of Parliament, which had led to great expenses for the new Houses of Parliament. The other charge under the same head was 163,000*l.* for the distress in Ireland. He now came to the third class of expenses—he meant those that were now provided by Votes of Parliament, but which were formerly defrayed from other sources: House of Commons and Government-offices fees, brought in aid of estimate in 1835, now paid into Consolidated Fund, about 100,000*l.*; postage consequent upon the abolition of official franking, 44,000*l.*; constabulary police of Ireland, 570,000*l.*; police of London and Dublin (increase), 40,000*l.* Besides these, there are—charges for Hong Kong, New Zealand, and other new colonies, 70,000*l.*; increase in consular establishments in China and other parts of the world consequent upon the extension of British trade, 53,000*l.* These charges, without going into further details, would account for the aggregate increase in the civil expenditure, which had taken place to the extent above stated, notwithstanding reductions which had been from time to time effected in various establishments. He thought he had now shown that the statement which the hon. Gentleman invited the House to concur with him in making—that the increase of expenditure since 1835 was mainly owing to the increase of our military establishment was incorrect, and that it was equally incorrect to say that it had been going on from 1835 to that moment. He would now proceed to a more important part of the Motion of the hon. Gentleman, namely, the pledge he called upon the House to make, that it would speedily revert to the scale of 1835. The hon. Gentleman had laboured much to prove to the House, that, in reality, they would do no more by adopting his resolutions than say they had every desire to revert to that scale of expenditure; but they did not mean to do it for two or three years if that was necessary; but he (Mr. Labouchere) held, that for the House to

make a pledge of that description was altogether unparliamentary. He should be as glad as his hon. Friend could be to see that House able to reduce the burdens of the country and our military establishments to such a degree as not to be higher than in 1835, but he would not be dealing frankly with the House or the country if he expressed his own sanguine opinion, that, taking the chances of human affairs into consideration, we could reasonably expect, within a short period, to reduce our expenditure generally, and our military expenditure especially, within those limits. He, therefore, was unwilling to concur in a pledge he might not be able to redeem. But he conceded too much to the hon. Gentleman when he said by this Motion he merely asked the House to reduce the naval and military expenditure of the country to the scale of 1835, because, in point of fact, the resolutions, if carried, pledged the House to a reduction of the naval and military expenditure a great deal below what it was in 1835, or to a reversal of the benefit of a great many of the proceedings which had been adopted in the civil service. The terms of the resolution required that the House should pledge itself to a reduction of 6,000,000*l.* in the naval and military expenditure; but he (Mr. Labouchere) had shown that the real increase in that portion of our expenditure, comparing last year with 1835, was only 2,360,000*l.* The resolution, if assented to, would in fact, therefore, require a reduction in the naval and military establishments to the extent of no less than 3,640,000*l.* below what they were in the latter year. If, however, the meaning of the proposition was, that all the heads of expenditure should be reduced to the same nominal amount as they showed in 1835, it would still require a virtual reduction of 1,800,000*l.* in the naval and military services below the expenditure of 1835; and to make up the amount of reduction required by the hon. Gentleman, it would be necessary to revert to the former scale of civil expenditure, and to deprive the country of the advantage of many of those measures which a liberal consideration of the requirements of the country had induced Parliament to sanction. The hon. Gentleman said he had conversed with a Hungarian general, who laughed at our skeleton regiments, with so many officers to the men, and compared them with the Austrian system. He (Mr. Labouchere) suspected that the Hungarian general laughed, not at so many officers as at so

few soldiers in those regiments. The truth was, that system was adopted for the purpose of economy. Our object was, to maintain our Army on the smallest possible scale compatible with the possibility of extending it at any time we might be called upon to do so; and he held that true economy was to maintain our regiments in such a state that officers might be always ready, and men might be easily found. But what was the Austrian army as compared with ours? It numbered more, he believed, at that moment than 400,000 men. Nations that had their military establishments upon such a scale could afford to have their regiments full of soldiers ready for war at any time, and, consequently, need not trouble themselves to have those skeleton regiments which on our more economical system we thought it the right course to adopt. When the hon. Gentleman told them the true policy of the country was not to have enormous naval or military establishments, but to have a well-filled exchequer and a contented and prosperous people, and that that was the way to make this country great and respected, he agreed with the hon. Gentleman that those were the true elements of power which the British nation and British Ministers ought to keep in view; but the hon. Gentleman's speech convinced him that the hon. Gentleman would not disagree with him when he said this was a question of degree. The question was not whether we should have naval or military establishments at all, but whether our establishments were excessive. He contended they were not. He agreed with the hon. Gentleman that all practical economy should be exercised with regard to them; but it would not be deserving of the respectable and sacred name of economy to pare down those establishments and make them inefficient. Our true policy was, not to keep overgrown establishments, but to keep them in a state respectable and susceptible of extension when circumstances might require it. The hon. Member called upon the House to declare that henceforward we should withdraw the military protection which we had hitherto afforded to the colonies of the British empire. Now, he (Mr. Labouchere) hoped the House would not misunderstand what he was going to say upon this subject. It was not his intention to deny that it was the duty of the Government and of the House to watch narrowly the colonial branch of the expenditure of the empire, and to reduce it within the



narrowest limits; and he was able to show that the Government had not neglected its duty in this respect. As a general principle, he was prepared to admit that the colonies might fairly be expected to defray the expense of all that related to their internal police. It formerly was the practice—previously to the French Revolution—for the British colonies to defray the greater part of the expense incurred by the mother country in providing for their defence, and he was not prepared to say that that principle might not be again prudently and cautiously carried into effect to some extent; but nothing was more to be deprecated than a hasty and inconsiderate recognition of a principle as applicable to our colonial possessions scattered all over the world, which disaffected men—and there were such in some portions of our colonial empire—might misrepresent for the purpose of exciting ill-feeling between the colonies and the mother country. It was not surprising that the hon. Member adverted to the colonial part of the question, because the military defence of the colonies formed a large item of expenditure. He spoke of military defences alone, because he believed that the colonies caused no addition to the naval expenditure; but, on the contrary, that the circumstance of the British colonies being scattered over the whole world, enabled us to employ fewer ships for the protection of our trade than would otherwise be necessary. The military expenditure for the colonies, including the pay of troops, cost of transport, cost of barracks, and a large proportion of the dead weight of the Army was considerable, and it doubtless was desirable to reduce it gradually to the lowest point consistent with the exigencies of the public service. The principle of reduction had already been acted upon vigorously and efficiently, but at the same time considerately and cautiously. It would be most unwise to pass a sweeping resolution, and attempt to apply it to all the colonies. It would be necessary to consider separately in that House the circumstances of each colony. Putting aside Malta and Gibraltar, which were rather military stations than colonial possessions, and taking only what were strictly colonies, the House would observe that, as regarded the necessity for military defence, some were placed in a position widely differing from that of others. Australia was not exposed to foreign attacks or dangers arising from aborigines, and, except in one part, was able to protect itself against the evils conse-

quent on a convict population. Australia, then, must be dealt with differently from Canada, which had a foreign frontier of great extent, or New Zealand with its large aboriginal population. Acting on the principle of effecting reductions cautiously, and seizing on every opportunity which occurred of inviting the colonies to take upon themselves charges which they could justly be called upon to defray, a reduction of expenditure to some extent had already taken place. On the 1st April, 1847, the troops at the Cape were upwards of 5,365; on the 1st of January, 1850, they amounted to little more than 4,108. The Government had been enabled to effect this reduction by the establishment of a Kafir police, which obviated the necessity for employing troops on the Kafir territory. When the Cape obtained representative government, it might fairly be expected to bear a considerable portion of the expense incurred for barracks and troops in that colony. On the 1st of April, 1847, there were 6,400 troops in Canada, and now there were only 4,300. In Canada, also a principle had been enforced which had long been acted upon in this country. It being found that the barracks in Montreal were untenable, it was proposed to remove the troops to another part of the colony, where commodious barracks existed; but the inhabitants of Montreal wished, for local reasons, that the troops should remain there; and the Government, acting on the occasion just as it would have acted in England under similar circumstances, said, that if the presence of the troops was required for local and not national reasons, the people of Montreal must provide them with barrack accommodation. That arrangement had been adopted, and the consequence was, a saving to the Government of about 30,000*l.* These circumstances were adverted to by him for the purpose of showing that the Government omitted no opportunity of reducing the colonial military expenditure. Two regiments had been withdrawn from the West Indies in the course of the last three years, and the number of troops had also been considerably reduced in Australia. Then again the legislature of Sydney had been called upon to undertake the charge of the barrack department; and he believed that the same principle had been carried out in every Australian colony except Van Diemen's Land, where the presence of troops was rendered necessary by the large amount of convict population sent there for the convenience of

the mother country. It was now his intention to advert to the observations which had fallen from the hon. Member relative to what he called the great naval establishment of this country. The hon. Member pointed to America. "See," said he, "how she protects her commerce in every part of the world," and he invited us to follow her example as regarded the Navy. It was not his (Mr. Labouchere's) intention to assert that a great fleet was necessary for the protection of the commerce of this country, or for the protection of the country itself. He believed that the system pursued of having only a very moderate fleet afloat, and keeping the dockyards in a condition to augment it at any moment, was the most politic and the most economical as regarded naval expenditure; but he could not concur with the hon. Member in thinking that it would be wise to leave the country utterly defenceless, without the power of equipping or exercising a fleet. It was of great importance that we should have the means of occasionally collecting together a squadron of eight or ten ships, in the management of which officers acquired the experience that could only be obtained by acting together. The hon. Member told them to look to America; but it was also necessary to look to other quarters. It was gratifying to know, that we at present maintained relations of the most amicable character with the great maritime and military Powers of the Continent, and that there was as little probability now as had prevailed during several past years of the peace of Europe being disturbed; but, on the other hand, when we looked to the great fleets which Russia and France could send out at a moment, he could not consent to deprive this country altogether of the power of equipping and sending to sea a respectable fleet when the national interests required it. The possession of that power, far from increasing the chances of war, was the best security for peace. It was the possession of that power during the last three eventful years, when intestine wars and convulsions had been rife on the Continent of Europe, which had enabled this country, not only to preserve peace at home, but to exercise great influence abroad. Yes, during that period England had furnished the example of a loyal and prosperous people, rallying round their ancient institutions, and whilst the revolutionary surges roared around her, she not only remained unharmed herself, but was a safeguard to

other nations. If the principle propounded by the hon. Member came to be acted upon, England must descend from the proud position which she now occupied. We were not far from the Baltic and the Black Sea—we were surrounded by powerful nations, able to equip fleets and raise armies, and under these circumstances it would be a suicidal act to adopt a policy which would deprive us of the means of defence. He had now disposed of the two main propositions comprised in the hon. Member's resolutions; there were other points in them, but they were corollaries, and not calculated to give rise to much dispute. For instance, it was stated that—

"the taxes required to meet the present expenditure, impede the operations of agriculture and manufactures, and diminish the funds for the employment of labour in all branches of productive industry," &c.—

which, of course, no one would deny. But, in comparing the system of taxation which prevailed in 1835 with that existing in 1850, the hon. Member must surely concur with him in rejoicing that important changes had been made, which had permanently benefited all classes of the community. In the interval between the two periods, a large amount of taxation had been repealed, whilst another portion had been transferred from the industrial classes to the property of the country; and, finally, duties had been remitted which were intended to benefit one class at the expense of others, and particularly of the industrial part of the community. He held in his hand a document bearing upon this subject, which did not come from the Vote Office, but was published by the hon. Member for Bodmin. It was a chart intended to illustrate the commerce, industry, and revenue of the country by means of lines, which resembled in their undulations the Andes or the Appenines. There were two features of this chart which he regarded with satisfaction, and which were calculated to furnish instruction. Looking at the line which described the expenditure of the country, he found that in 1813, 1814, and 1815, it rose to a tremendous height; but that since that period it had gradually and regularly declined. It was true that the line had been creeping up a little since 1835, but it reached a turning point in 1848, and now it was again going downhill. Other lines indicated the prosperity of the trade and commerce of the country, as exhibited by the increase of

exports and imports. These proofs of the prosperity of the country had gone on increasing almost uninterruptedly from 1812. It was most gratifying to observe these proofs of the increasing prosperity of trade and commerce concurrently with diminished taxation and reduced expenditure. Without entering into any dispute with the hon. Member as to whether this country was more heavily taxed than other nations, he would at once admit that no larger amount of taxation should be drawn from the people than was absolutely necessary for maintaining the real interests and honour of the country; but at the same time it was necessary that we should not hastily adopt a system of false economy, which would ultimately lead to extravagance and waste. He hoped that the Government and Parliament would continue, as they had done, to reduce the expenditure, and, consequently, lighten the burdens of the country; but he trusted that the time would never come, when, for the sake of a fleeting popularity, the advisers of the Crown would so far forget the sacred duty they owed to their Sovereign and the people, as to recommend reductions which they did not conscientiously think could be safely effected. The hon. Member for the West Riding had alluded to the expenses of the judicial establishment; and he (Mr. Labouchere) would not undertake to say that economy might not be pushed further in that direction. At the same time, when the hon. Member held up America as an example in this respect, it was necessary to remind him how totally different the circumstances of the two countries were. There was nothing of which the people of England were more justly proud than of the character and conduct of their Judges. The effect produced by the unsullied character of the judicial bench could hardly be estimated by any mere money value. What man of enlarged views would set any paltry saving that might be effected by curtailing the salaries of the Judges, against the inestimable advantages which the Bench conferred on society by conciliating the good will of the people towards the Government, and inspiring them with respect for the law? It was indeed a wretched economy which would incur the risk of depriving us of these inestimable advantages. Care ought to be taken that the Judges were paid sufficiently well to induce counsel who were the ornaments of the Bar to accept office. He (Mr. Labouchere) had been in the United States,

against which country he had no prejudice; and he saw with delight the progress that great people were making in prosperity. But he was not an indiscriminate admirer of the institutions of the United States. There were many things in which this country had the advantage; and he preferred the footing on which our judicial establishments were placed. The hon. Member said a chief justice was paid 1,200*l.* a year, in the United States. Yes; but how did they treat a chief justice? On attaining the age of sixty, they turned him off the bench without a pension or anything. He recollected seeing a gentleman who had been a judge, but had ceased to be so, having passed his 60th year, and who had been obliged to go back to the bar, where he was earning a great deal more than he was paid as a judge. That was an illustration of the total difference in the position of judges here and in the United States. He trusted it would not be supposed that he was not as intent as any Member of the House in enforcing a proper economy, when he rose in opposition to the resolution; but believing as he did that the resolution was plainly inconsistent with the facts of the case—that the pledge which the hon. Member invited the House to take was an imprudent one—that were they to adopt it, they would probably be placed in a position in which the Government could not carry it out consistently with their sense of duty to that House, and from which they could not retreat with honour—he therefore asked the House to negative the proposition of the hon. Gentleman. He hoped they would not be deterred from doing so by the fear of their conduct being misinterpreted by their constituents and the country. He was satisfied the people of this country, however desirous of economy, were too sagacious and intelligent to be misled by the mere name of economy, unless the measure to which it might be applied were brought forward in a practical shape; and he therefore confidently asked the House to proceed with the estimates of the year. The course pursued by foreign Governments in presenting the whole expenditure in a lump, had been held up for imitation; but he could not imagine a more arbitrary or improper mode of dealing with the House of Commons. The course always adopted by the Governments of this country was far more just and legitimate, giving the House much more control over the expenditure. He trusted,

therefore, that the House would negative the resolution which the considerations he had stated showed to be most inexpedient, and proceed with the Estimates.

MR. SPOONER declared he would give his support to the resolutions of the hon. Member for the West Riding, nor did he conceive that by so doing he was pledging himself to any reduction of the effective force of the Army and Navy. There was ample room for reduction without at all impairing the efficiency of either service. He saw nothing which bound him to follow the example of America in the payment of her judges, nor in any way to cripple the energies of the State. It was because he could not deny the propositions affirmed in these resolutions, that he felt bound to vote for them. He regretted that he was, upon this occasion, going to take a course different from that which would probably be pursued by those with whom he usually acted; but the hon. Member for the West Riding had so completely made out his case that he would not feel himself justified in withholding his support from him. The difference in the amount of expenditure between 1835 and 1849 was not contradicted. Here was the statement of the hon. Gentleman:—

“That the net expenditure of the Government for the year 1835 (Parliamentary Paper, No. 260, 1847), amounted to 44,422,000*l.*; that the net expenditure for the year ended the 5th day of January, 1850 (Parliamentary Paper, No. 1, 1850), amounted to 50,853,000*l.*; the increase of upwards of 6,000,000*l.* having been caused principally by successive augmentations of our warlike establishments, and outlays for defensive armaments; that no foreign danger, or necessary cost of the civil government, or indispensable disbursements for the services in our dependencies abroad, warrant the continuance of this increase of expenditure.”

The resolution did not state that the expenditure had been wholly in the Army and Navy, but principally; and upon this point the right hon. Gentleman the President of the Board of Trade was incorrect. It was undeniably true that a very large increase of expenditure had taken place since 1835, and it was also to be remembered that in 1835 the right hon. Baronet the Member for Tamworth was at the head of the Government, and that right hon. Baronet would be the last man in the country to come down to that House with estimates which were insufficient to maintain the security and dignity of the country. But the right hon. Gentleman the President of the Board of Trade had passed over many of the allegations of the hon. Gentleman

the Member for the West Riding. He had not said a word, for instance, about the salary of 10,000*l.* a year to our Ambassador at Paris. He came to another resolution, which he could not see how any Government could deny—

“That the taxes required to meet the present expenditure impede the operations of agriculture and manufactures, and diminish the funds for the employment of labour in all branches of productive industry, thereby tending to produce pauperism and crime, and adding to the local and general burdens of the people.”

Nor could he see how any Member of that House could refuse his consent to this proposition—

“That, to diminish these evils, it is expedient that this House take steps to reduce the annual expenditure, with all practicable speed, to an amount not exceeding the sum which, within the last fifteen years, has been proved to be sufficient for the maintenance of the security, honour, and dignity of the nation.”

He did not care what quarter of the House such propositions came from; approving as he did of the principles they embodied, he would feel bound to support them. Our expenditure had enormously and speedily increased, and he thought it would be highly proper on the part of the House of Commons to declare that it would return with all practicable speed to the adoption of the estimates of 1835. The right hon. Gentleman said there was general prosperity, although one interest was depressed, and he attributed that prosperity to the taxation which had been taken off. But it was that very change in the principle of taxation which made the burden fall so heavily on a large portion of our own people—it was that change which caused its inequality and its gross injustice. His belief was that if the Government persisted in imposing the present amount of taxation, and in keeping up the same extent of expenditure, the people of England would protest against it, and would, perhaps, cause a much greater reduction of expenditure than the hon. Member for the West Riding proposed—a reduction which might not be consistent with the safety and honour of the country. What had been the effect of their taking off the duty on foreign corn? Did they think they got it cheaper than they would have done had there been a small fixed duty on it? No, not a shilling; for the price of foreign corn was not regulated by the price it sold at in the foreign market, but by what it would fetch here. The only effect of taking off the duty was to let foreign produce into competition with



our own produce in our own markets with-  
paying any share of our taxation. Lay  
on a small fixed duty, the price abroad  
would fall to nearly the same extent, a  
very considerable revenue would be raised,  
and taxes immediately pressing upon the  
landed interest might be taken off. He  
was prepared to support the Motion of  
the hon. Member for the North Riding of  
Yorkshire for the abolition of the malt tax.  
[An Hon. MEMBER: Why, that amounts  
to 5,000,000*l.*] He did not care if it were  
6,000,000*l.* He would vote for its repeal,  
because it was a most unjust and a most  
injurious tax. The salaries of the Judges  
had been alluded to. The right hon. Gen-  
tleman lauded the Judges, and every one  
must concur in that eulogy; but at the  
same time the altered value of money must  
be taken into account, and if the same sum  
would purchase twice as much, he did not  
see why the great functionaries of the State  
should be doubly paid, whilst many of their  
fellow subjects were suffering great dis-  
tress. There was no use in evading the  
question. If the present state of things  
were to be continued, the salaries of Judges,  
Ministers, public officers of all sorts, and  
of hangers-on of the Government, must be  
cut down. One word as to the "hard  
bargain" mentioned by the right hon.  
Baronet the Member for Ripon a short  
time ago. The right hon. Baronet then  
said, that he (Mr. Spooner) would cheer  
what he was going to say upon the Cur-  
rency Bill of 1819. The right hon. Baro-  
net had prophesied rightly. He did cheer  
it—most heartily cheer it—and was de-  
lighted to see the right hon. Baronet re-  
turn to his first love. He would do his  
right hon. Friend the justice to say that  
he did warn the country at that time as to  
what would be the consequences of the  
Currency Bill; and he, too (Mr. Spooner),  
though not in Parliament then, told large  
meetings of farmers and others that the  
corn law was a delusion, and that the  
sliding scale would slide from under their  
feet. That to the repeal of the money law  
of 1819 it was that they ought to look for  
relief from the evil under which they were  
suffering. He felt persuaded that large  
reductions might be made without injuring  
the permanent strength and stability of the  
Army and Navy. He believed that a great  
reformation ought to be made in the dock-  
yards, and that there were great abuses  
going on there. He believed that the Ord-  
nance, which had one office in Pall Mall  
and another at the Tower, might be eco-

nomised; that the Admiralty expenditure  
might be curtailed; and that considerable  
retrenchment might be made in the sala-  
ries of the Lords of the Treasury. Mr.  
Canning said, he wanted to know of what  
use were the Lords of the Treasury, ex-  
cept to make a House, to keep a House,  
and to cheer the Minister when he was  
wrong.

MR. HUME said, that it was his opin-  
ion that, as they had lowered the prices of  
food in the country, so they ought to lower  
their establishments. The speech which  
had been made by his hon. Friend the  
Member for the West Riding, and which  
included most important considerations,  
had not been answered by the statements  
which had been made by the right hon.  
Gentleman the President of the Board of  
Trade. Whatever might be the opinion  
on either side of the House, as to the reso-  
lutions brought forward by his hon. Friend,  
they ought, at any rate, to be agreed on  
the facts of the case, and he trusted that  
they would direct their attention to the  
statement that had been made by the right  
hon. Gentleman, because he challenged  
the facts as stated by his hon. Friend, and  
said that the increase of expenditure, in-  
stead of being 6,000,000*l.*, was only  
2,365,000*l.* Now, he (Mr. Hume) would  
affirm that the figures of his hon. Friend  
were right, and that those of the right  
hon. Gentleman were wrong. He, for the  
purpose of proving the correctness of the  
position which he had taken, would just  
take the Parliamentary papers, and he  
found that in the year 1835, the expendi-  
ture amounted to 44,422,000*l.*, and he  
found that in this year it amounted to  
50,853,000*l.*, showing that the increase,  
instead of being only two millions, as stated  
by the right hon. Gentleman, came very  
nearly to six millions, as was stated by his  
hon. Friend the Member for the West  
Riding. This increase had been caused  
by their holding such expensive establish-  
ments as their Army and Navy to their  
present extravagant extent. He held in  
his hand a return, which was prepared  
by Mr. Baring, and this was the result:—  
In the year 1835 the expense of maintain-  
ing their military establishments, meaning  
the Army, Navy, and Ordnance, amounted  
to 11,627,000*l.*; for the succeeding years  
it increased successively million by million  
until last year, when it amounted to  
20,000,000*l.*, showing an increase of near-  
ly 10,000,000*l.* There were other items  
which made up the difference, which ap-

peared by the resolution of his hon. Friend. The net expenses of the Army, Navy, and Ordnance, in the year 1847 amounted to 16,864,000*l.*, in the year 1848 to 18,502,000*l.*, and in 1849 to 17,645,000*l.* This showed on the average of the three years an increase that it was not possible to deny. What did the right hon. Gentleman do? He denied that there was an increase, because there was a reduction within the last two years; but he did not deny that there was a rapid increase from the year 1835 until it amounted to 6,000,000*l.* The denial of the right hon. Gentleman was a perfect quibble, and he did not properly meet such an important statement, because this large increase in the expenditure of the country was owing to the increase in the Army and Navy. His hon. Friend had been most candid and fair in everything that he had laid before the House. He stated, that there was an increase in the various civil departments—he mentioned the police and several others—but he did not go into details, because his principal ground was on the military and naval establishments. So far from the first resolution being contrary to fact, and so far from the House being warranted in rejecting it as being incorrect, he would call on the House to give their support to it because the allegations contained in it were correct, and because the statements made were in accordance with the returns which had been made officially. It was his wish to have the second part of that resolution answered. It stated that no foreign danger, or necessary cost of the civil government, or indispensable disbursements for the services of our dependencies abroad, warranted the continuance of the increase of expenditure. He wished that they had heard from the right hon. President of the Board of Trade some explanation, some answer. If there was no answer given, what would he (Mr. Hume) say? Why, he would remind them that from the year 1832 to the year 1838 the establishments of the Army, Navy, and Ordnance, ranged from 11,500,000*l.* to 12,500,000*l.* If, as the hon. Gentleman who last spoke had said, the right hon. Member for Tamworth, and the Government who were with him, were able to conduct the affairs of this country, to afford protection to our colonies, to defend our honour abroad, and to maintain peace at home, his hon. Friend was justified in saying, “Tell us now, where is there any foreign danger, where is there anything extraordinary that requires that

we should keep up our present large establishments.” Why not return to those which were sufficiently extensive to maintain the peace and tranquillity of the country, and to support our honour as complete as it has been within the last six years? As regarded the second resolution, was there one hon. Gentleman that could at all deny that the taxes were so heavy that all classes of the community were desirous of being relieved from them? The low prices had reduced the incomes on the part of everybody; and was it right that they should still maintain those expensive establishments, and a heavy amount of taxation, while the means of maintaining them were reduced? He now would ask them what confidence could be placed in any pledge from the Treasury bench? Was it not admitted that but for the refusal of this House to give money, the expenditure would go on increasingly? Until the increase in the income tax was refused, they had not a shilling of reduction in the expenditure; then the estimates were withdrawn, and new and amended ones made out, and they were actually forced by the vote of this House to take credit to themselves for having done it willingly. If they were desirous to take off the pressure of taxation, they should vote for the resolution. And he could not, anxious as he was to maintain public faith, vote for a reduction of taxation, if they were not prepared to lessen the expenditure, and thus enable them to do so. It was with that view that the proposition was made. He would ask, was not the expenditure beyond the wants of the nation, and whether a lower and less expensive establishment would answer all the purposes which they require either for defence or for security, and whether they were not perfectly safe in pledging themselves to the following proposition, which was the last one. The hon. Gentleman then read the last paragraph, and continued to say that nothing should be done hastily, but it should be done speedily. [*Laughter.*] He was quite consistent in what he had said: they had a saying “the more haste, the less speed.” Any hon. Gentleman that voted against this paragraph could not be sincere in his desire to reduce the expensive establishments of the country, because it was impossible that he could come forward to support a reduction of the taxation, and not pledge himself to reduce the evils which gave rise to taxation. Now he would take the Army, and he would observe that every-

body who had attended to the expenses of the Army, knew that the number of men they voted regulated the aggregate amount of the expense not only of the Army, but of the Ordnance. In the year 1835, the number of men voted for the service was 81,319; in the year 1836 it was 81,219. Now, he would ask whether they were not now perfectly right in calling upon the Government to recede to that establishment which was sufficient for all purposes at that time? In 1843 the number voted was 100,846, in 1848 it was 115,847, and yet it was denied that there was any increase. In the year 1850 the number voted was 99,127, which showed an increase over that of 1835 of 17,809. It was impossible to deny that there was a progressive increase, and nobody could say that they would be doing wrong in going back to the system which was adopted in the year 1835. The number of men voted to the Navy in 1835 was 26,041, in 1843, 40,229, and in 1847, 44,969, being an increase of 18,928 over that in 1835. And yet they were told that there was no progressive increase. He wanted to ask the House could there be any reason assigned why so large an increase had been made. The right hon. Gentleman the President of the Board of Trade said that the increase had been sanctioned by the House. That was just what he (Mr. Hume) complained of; and it was a very bad House for so doing, and he hoped that the time was not far distant when they would be convinced of their error, and when it would be admitted that taxation had been carried to its utmost, and should now be reduced, and they should take the opportunity of pledging themselves to reduce it as soon as possible. In whatever point of view they looked at it there was no satisfactory reason why these establishments should be kept up in their present extravagant way. He would now make use of a document which was very instructive. It showed the increase in the expenses of maintaining the number of men on the staff of the Army abroad and at home. The staff abroad, in 1835, cost 58,640*l.* In the year 1850 it cost 97,602*l.* The staff at home cost, in 1835, 59,382*l.*, in 1850, 67,314*l.*, showing an increase of 46,494*l.* These were what the Government called symptoms of economy. Unless it could be shown that there was any special danger, or any special circumstances now in existence that did not exist in 1834, 1835, and 1836, they should reduce their expenditure to the old amount. He would

not undertake to inform the Government what the exact number of men in the Army and Navy ought to be, but he might refer to the opinion of four Committees, who stated that though it was the province of the Government to decide what the number of troops and seamen ought to be, they could not help referring the Government back to the period when the expense was less, and when every service of the country was performed with safety and honour. He would say, without pretending to be a judge, that 81,000 men in the Army, and 26,000 men in the Navy, were quite sufficient for the year to which he had alluded; was it not fair to ask them to pledge themselves that they would return to these amounts, unless it could be shown that some special ground existed why the present amount should be maintained? This was the whole of what his hon. Friend had brought forward, and he could not add anything to what he had stated. He would venture to state, that if hon. Gentlemen were desirous of such a reduction, they would agree to a resolution to enable her Majesty's Government to know what was the feeling of the country on this matter; and he was sure they would do so if they wished to carry out the desires of their constituents. He hoped they would pledge the Government to bring back the expenditure from its present wasteful state, to that in which it existed in a time of perfect security, and under a Government in which they had every reason to place confidence. He addressed the House on this matter as seriously as he ever did on any matter, and he asked them to begin by stating decidedly, by their votes, that they were prepared to take steps as speedily as possible to reduce all unnecessary expenditure, and to bring the country to that state and condition when their establishments were less expensive and sufficiently effective. His hon. Friend did not allude to the very heavy charge that was made for pensions. Hon. Members were not aware of the ineffective expenditure of this country. The amount now considered necessary for that purpose amounted nearly to that which the Army and Navy cost in the year 1792. The reports which had been made by Committees both in 1807, and in 1817, recommended reductions in the expense as fast as possible, and as much as the circumstances of the country would allow. It was also recommended in 1810 that the system of pensions should be altered. Notwithstanding all these recommendations, an enor-

mous amount of money was devoted to that purpose. The hon. Gentleman who had just addressed the House, had alluded to the Admiralty; but he (Mr. Hume) did not so much blame them. They had very arduous duties to perform; and one of those duties was to take care that the pensions of those who retired from office were strictly conformable to law. But, notwithstanding all their care, the pensions were as large this year as when Lord Castlereagh proposed that they should be reduced. He would ask the House, before they rejected this proposition, if they wished to reduce taxation, to be just, and to take off this vast expenditure to enable them to make the reduction; and to exhibit to the country a desire to do their best to promote its interests.

MR. HERRIES was understood to say that he would not have taken any part in the debate had it not been for one assertion boldly hazarded by the hon. Member for Montrose. That hon. Gentleman ventured to affirm that no person having a sincere desire to effect a reduction in the expenditure and taxation of the country, could do otherwise than vote for the propositions of his hon. Friend the Member for the West Riding. As he (Mr. Herries) was one of those who was sincerely desirous to aid in the attempt to reduce the expenditure of the country in every way in which a reduction could be reasonably made, he thought it right to say that he could with equal sincerity object to the Motion of the hon. Gentleman. He was of opinion that the Motion of the hon. Member opposite did not carry with it any proof of sincerity in the course which it professed to pursue. He did not think that this was the proper time and place for proceeding by a general and abstract proposition. And if the hon. Member for the West Riding was really as sincere as he professed to be, he could hardly have adopted a line better calculated to defeat his purpose than that of interposing an Amendment to prevent the House from going into Committee, where the object he said he had at heart could be so much better attained. It appeared to him that this was a Motion put forward rather as a blind to conceal the hon. Member's real intentions. Why should they go back now to the year of 1835? They knew that there were very great augmentations made in the expenditure of the country since then; but to state that fact, without any other comment upon it, was only calculated to mislead. The course taken by the hon. Gentleman

opposite was one which by no means tended to the public good, inasmuch as it was not the proper mode to induce public men to devote their attention to practicable reductions. The right hon. Gentleman the President of the Board of Trade, who replied to the hon. Member's propositions, had dissected the 6,000,000*l.* of asserted augmentation in the military departments. From his statement, which was no doubt most correct, it appeared that 2,300,000*l.* only of this could properly be considered as an increase in reference to the military and naval establishments. By the Amendment of the hon. Member for the West Riding, he (Mr. Herries) was, however, invited to affirm that these had been the principal causes of the augmentation of this 6,000,000*l.* He could not agree to that proposition. He was also called on to declare—

“that no foreign danger, or necessary cost of the civil Government, or indispensable disbursements for the services in our dependencies abroad, warrant the continuance of this increase of expenditure.”

He was certainly disposed to assent to the mere proposition, that there existed at the present time no immediate appearance of danger of foreign war; but he could not concur in affirming a statement which would imply a belief that the condition of this country and Europe was one of perfect and unusual security. He was, on the contrary, much more disposed to believe that the state of things throughout Europe at the present time was not sufficient to warrant a reduction in the military and naval establishments of the country. No doubt there never was a time in which this country could more truly be said to be in a state of actual peace with all the world—with the exception of those doings in the Archipelago, from which, little as we understood them at present, we could hardly anticipate any serious consequences. But looking to the state of Europe, and looking to what was going on on every side, he thought it was impossible they could say that this was a time of particular quiet, or that there was such a prospect of apparent tranquillity abroad as should induce them to reduce their warlike establishments. The third proposition was this:—

“That the taxes required to meet the present expenditure impede the operations of agriculture and manufactures, and diminish the funds for the employment of labour in all branches of productive industry, thereby tending to produce pauperism and crime, and adding to the local and general burdens of the people.”

To this he gave his entire assent. But



what occasion there was for them to affirm these truths on the present occasion, he was yet to learn. It was a matter of more serious consideration to determine whether or not those taxes bore too severely on the agricultural or manufacturing interests, and in what degree the pressure of them affected the great questions on which the public feeling and opinion were so much divided at this moment. This, however, he did not consider a fair subject for discussion at the present moment, notwithstanding his hon. Friend the Member for North Warwickshire had introduced it into the speech which he had made upon the present Motion. He did not think it was fair to draw the House into a discussion now on that most difficult and interesting question. But the real point of the proposed Amendment was in the last resolution :—

“That to diminish these evils it is expedient that this House take steps to reduce the annual expenditure, with all practicable speed, to an amount not exceeding the sum which, within the last fifteen years, has been proved to be sufficient for the maintenance of the security, honour, and dignity of the nation.”

He would not affirm that proposition, for it had not been proved to be so. In 1835 the estimates were greatly reduced. In the subsequent year they were augmented. In the year succeeding they were again augmented, and, in fact, had since, as had been stated, undergone successive augmentations. Well, he would ask, how did those facts prove that they were sufficient in 1835? It had always followed, whenever they attempted to make reductions greater than the honour or safety of the country warranted, there followed an immediate return to a much higher expenditure than it originally was. Of this we had ample experience in the earlier financial career of the Member for Montrose, when, by his exertions, aided by the factious Whigs of those days, the estimates were reduced so low that it put the country to a vast expense to replace the defences of the country on a reasonable and safe footing. He hoped that the House, instead of agreeing to the sweeping impracticable propositions put forward by the hon. Member for the West Riding of Yorkshire, would go into Committee, when they could honestly consider every item, with the view of reducing the expenditure of the country to the lowest possible amount warranted by the existing state of things. This would have been the legitimate course for the hon. Member for the West Riding to pursue ;

instead of which he moved a series of resolutions that meant nothing and would do nothing. For these reasons, having a sincere desire to go as far as his hon. Friend the Member for North Warwickshire, in the way of reduction, he would support the original Motion for going into Committee. He was, indeed, somewhat surprised to hear his hon. Friend declare that although he would support the Motion of the Member for the West Riding, he would nevertheless resist any attempt to diminish the effective strength of our Army or Navy. Why, the very next vote, if we went into Committee, would put that declaration to the test, and then we should see his hon. Friend, after voting now, that the military establishments were too great to the extent of 6,000,000*l.* a year, refusing immediately afterwards to agree in any diminution of them. He hoped that the House would agree with the proposal of the right hon. Gentleman the Secretary at War for the consideration of the Estimates, and thereby give a negative to the proposition of the hon. Member for the West Riding of Yorkshire. He hoped that they would go into Committee with a desire to reduce in every possible way the estimates that were to be proposed. He was confident that by so doing they would be much better able to effect their object than by assenting to the Amendment of the hon. Gentleman opposite.

Mr. M. GIBSON said, he found that the right hon. Gentleman who had just resumed his seat on this Motion, was of much the same mind as he was in last year, and he must say that he thought he had taken a far less satisfactory view of his hon. Friend's proposition than was taken by the hon. Member for North Warwickshire. The latter hon. Gentleman did not fall into the error of refining overmuch on the words of the Motion—he did not hypercriticise ; but he took the whole broad meaning of the proposition in the sense in which it would be taken by the public ; and, being an advocate for the repeal of excessive taxes, he was perfectly consistent in the course he was taking in supporting the proposition of his hon. Friend. There was no mode of submitting the view of his hon. Friend but that which he had taken. If he were to take the advice of the right hon. Member for Stamford, and defer the proposal for economy until the estimates themselves came before the Committee, that particular items might be discussed, it would be impossible to propound the general views of reducing the number of odious,

tyrannical taxes which were now pressing on the industry of the country ; it would be impossible to submit his general policy, when details were under inquiry ; and he thought his hon. Friend the Member for the West Riding had acted wisely. He (Mr. M. Gibson) voted for this proposition mainly on the ground that he was most desirous to see the policy which the right hon. Member for Tamworth propounded in 1842, viz., the removal of those taxes which impeded production, which limited the field for the employment of labour, which prevented the progress and improvement of particular fabrics and manufactures, and did far more harm to the general interests of the public than they could possibly do good by any amount of revenue. It was for that object that he (Mr. M. Gibson) was anxious to scrutinise public expenditure, that he might be enabled, with due regard to the public creditor, to repeal these taxes. He had put the taxes on one scale, and large armaments in the other, and he asked himself what is the present course to be taken in reference to the welfare of the population? On the one hand, was he to support taxes which might limit the field of employment, increase pauperism, increase crime, and prevent the progress of knowledge? Was he to do all these things, or to have large defensive armaments, to protect them against some imaginary contingent evil which was said to be impending over them? Or, on the other hand, was he to weigh the probability of these foreign dangers, and was he to consider whether it would not be more rational to remove these taxes, and give that relief to industry which would accrue from their removal? Having done that, with a desire conscientiously to take the course which was best for the general interests of the community, he had come to consider how they might reduce the warlike armament, and might apply the surplus to the repeal of those taxes which were pressing down industry, and increasing pauperism and crime. The right hon. President of the Board of Trade did not fairly represent the hon. Member for the West Riding ; he said he would not follow the advice of the hon. Gentleman, and abandon the defences of the country ; he would not leave England entirely unprotected, without a navy and an army. Nobody had asked them to disarm entirely ; they had asked them to consider whether there was that probability of any danger which could prevent fair and reasonable deductions in their defensive armament. He thought his hon. Friend had brought

forward his Motion in a proper form, by fixing upon a particular time when our general expenditure was at a less amount than it was at present, and calling upon the Executive Government to explain why the increase since a particular time should become a permanent addition to our national expenditure. It was not sufficient for Government to account for temporary increases from temporary causes ; what they were asked was, what was the reason we were to have a permanent increase of the expenditure of England nearly six millions over what it was in 1835? It was for the Government to show that the protection and defences in 1835 was inadequate. If the defences were adequate in 1835, it was for them to show that subsequent circumstances had arisen since 1835, which called for increased expenditure. It was not enough to talk of Oregon, Macleod, and the question of Don Pacifico. These were matters that called for temporary and special efforts, but could not be urged for the permanent increase of the expenditure ; and it was in that spirit alone that his hon. Friend submitted his Motion to the House. Were the defences in 1835 adequate to the safety of the country, or were they not? The right hon. Member for Stamford seemed to hint that they were inadequate, and he (Mr. M. Gibson) had frequently heard it said that the dockyards in 1835 were left in a state of destitution ; that the Navy could not have been supplied with any material, if required to be equipped against an enemy ; and that very hasty and considerable reductions had been made in the materials of naval warfare. He took the trouble to inform himself by the inquiries that had taken place before Committees of the House as to the real facts of this case. This report had been very sedulously spread throughout the country, but he was afraid by people who had much greater zeal for swelling out their particular department than they had zeal for the safety of our finances. But he knew the importance of the statement, and therefore he went into the matter whether the principal articles in 1835, as compared with the present time, were in this neglected state. And what did he find? That of the principal article—namely, timber, in this year of destitution there were in the dock-yards 59,671 loads of timber, and in 1848 there were 56,048 loads of timber. In another important article—namely, dock deals, averaging forty feet in length, there were 32,145 in 1834, and 22,311 in 1848. With regard to this

particular article, the Secretary of the Admiralty was asked by the right hon. Member for Ripon, was not that a most important article? and the answer he made was, "A most important article. I do not think the importance of it can be over-rated." The stock of that article was one-third more than at present. In hemp—second in importance to timber—there were 7,221 tons in 1834, the year of destitution; and in 1848 there were 5,067 tons, or one-third more in 1834 than in 1848. Of tar there was 15,250 barrels in 1834, and only 8,977 barrels in 1848: double what it was at present. Canvass and copper bolts; about the same at the two periods. Fitted rigging—an article of primary importance—was 52 sets in 1834; 47 in 1848. Hauls of yarn, of great importance, numbered 5,584 in 1834, and 3,554 in 1848. There was no article of more importance than chain cables, and in that he found also a great difference, there being 857 in 1834, and 645 in 1848. In 1834, there were 170 lower masts, in 1848 only 160. In 1834 there were 327 top-masts; in 1848, 228 top-masts. In 1834 there were 52 bowsprits; in 1848, 54. He had gone through the principal articles employed in men-of-war, and he found that in this period of destitution there was a greater amount of those important articles than in 1848. The evidence given before Committees of that House completely put an end to those reports on which they were called to base their legislation. One of the strongest points in the arguments against his hon. Friend's proposition was, that the defences of 1835 were inadequate for the safety of the country, and that was the reason for the subsequent increase of expenditure. The Government must excuse him for reminding them what would have been their position at the present moment if they had followed the policy they indicated in 1848. They came to that House in 1848 2,000,000*l.* behind-hand—a deficiency, certainly, not of their creating, and arising out of circumstances over which they had no control; and with the ordinary expenditure exceeding the revenue, they proposed to increase that expenditure. So that had they pursued that policy, they would now, instead of a surplus of 2,000,000*l.*, have to deal with a deficiency of more than 2,000,000*l.* Could they, then, blame the reform party for scrutinising the increase of expenditure to its then amount? On the contrary, he believed that the Government had been

materially strengthened, and placed in a much more enviable position, by their having done so, than any Whig Government of former times; for by following a system of retrenchment they found themselves with a surplus instead of a deficit. With regard to the Army, he thought it was open to any Gentleman to question the policy of maintaining the present scale on which it was kept up, and that before the Speaker left the chair, was the proper occasion for submitting such a question of general policy as the reduction of our military forces. At the peace of 1816, the noble Lord at the head of the Government foresaw that unless great efforts were made, the habit of having large military forces for war purposes would become so engrafted on the country, that in time of peace they would still be maintained. On the 26th of February, 1816, the noble Lord said—

"Among the many reasons that had been urged for the enormous peace establishments, the most absurd appeared to him to be the assertion that it was necessary for our own security, in order to avoid the speedy renewal of hostilities. The House could not fail to recollect that for the last twelve years Ministers had been soothing the impatient country by stating that the war was continued to prevent the necessity of an armed peace, and yet now they ventured to tell the people that, after all their sacrifices, they had gained nothing, for still an armed peace was all that had been acquired: thus then the case stood—we had undertaken a war to procure peace and a diminution of taxation; and we had concluded a war only to perpetuate the burthens for which war had been the only excuse."

To show that the amount then contemplated was nothing extraordinary compared with our present one, he would quote the words of Lord Grenville, who said on February 14 in the same year—

"If any thing could add to the astonishment and horror which he felt when he heard of such an intention, it was this, that an army of 50,000 men was to be kept up in the United Kingdom. When that should be proposed, he trusted that time and opportunity would be given to discuss the proposition. He trusted that it was not in the course of one night, or one debate, that their Lordships were to be persuaded so far to abandon the maxims and policy of their ancestors, as to cast away the hope of the blessing of peace and freedom. For his own part, feeling as he did every year still less and less desire to share in the debates and labours of that House, yet, if such a measure as this were really to be brought forward, there was no exertion of which he was capable that should be spared to prevent so great a misfortune."

Just in the same manner as the war which ended in 1815 caused the subsequent establishment of what the noble Lord so forcibly called an armed peace, so every

little military effort since had left a permanent addition behind it. As the *onus probandi* lay on the Government to show the necessity of this increased expenditure, his hon. Friend the Member for the West Riding was perfectly justified in asking now for some rational ground for continuing as a permanent charge the additional sum of 6,000,000*l.*, which was mainly caused by our naval and military forces. It was true that our colonial policy had been cited as a reason for increasing our Army. No doubt we had added fresh colonies to our empire, but that was not an answer to his hon. Friend's proposition, namely, that it was not reasonable that these colonies, instead of being a source of strength, should be a source of weakness to us, by drawing upon our resources and our Army. His hon. Friend did not deny the fact that our colonies had increased since 1835, but he asked the House to decide whether it was fitting that the people of this country should be taxed in order to support colonies which were able to support themselves. The amount of force sent, after all, to those particular colonies was quite inadequate to prevent the invasion of an enemy, or the interference of a foreign Power, either with their property or liberty; while it was not the kind of force adapted for the purposes of a police, or the internal regulations of those colonies. Therefore, neither on the one hand nor on the other was it reasonable that they should, in this useless manner, give a supply of troops to the colonies. They were told it was for the protection of trade. Now, whenever there was any interference with foreign countries by our fleet or forces, he was sure to receive letters from his constituents, calling upon him to urge the Government to desist, for inasmuch as it was upon their interests and trade the injury would fall. When, for instance, they found a British fleet in the Mediterranean, threatening an armed interference in Greece, under the direction of Admiral Parker, they knew and felt it would be impossible for such interference to take place without affecting their interests, and forthwith they wrote to him on the subject. Surely it was too much to say, then, that it was in order to protect their trade and their interests that this increased expenditure was incurred. The American flag went just as unmolested as the English flag into every port in the Mediterranean. When the Secretary of the Admiralty was asked to explain the purpose of this Mediterranean

fleet, his only answer was, that it was there for political reasons, into which it was not within the province of the Committee to inquire. Thus they had nothing more than vague surmises or political reasons not to be investigated for this parade of armaments in those seas. No Minister of the Crown or ex-Minister ever ventured to elucidate the matter. He did not know what was the present amount of the Mediterranean fleet; but in 1848 we had thirty-one ships there, and 8,000 men. Such a display as that necessarily excited a belief that we had an intention to invade some country, or at least to interfere in the internal affairs of some country. When the people saw so large a fleet, and all this array of armaments, it must be evident to them that it was not for the purposes of protecting trade, but for some political object; so that, instead of its being any guarantee for peace, it amounted to a constant manœuvring and a parade of our arms in various quarters of the world, calculated to provoke hostility, excite jealousy, alienate and estrange, rather than promote, intimate and friendly relations. We fancied that the Chinese war, which had caused the increase of our fleet in those seas, had opened fresh markets for this country. But what was the fact? Why that our exports to China and Hong Kong were gradually declining every year, and would, he believed, soon go back to what they were before the interference. Thus would we have placed ourselves in this position by our Chinese policy—that we would have to maintain a large fleet in those seas without any corresponding advantage to this country. He regretted to say that that House readily listened to a proposition from the Government involving a war with China; but if asked to reduce the tea duties, the answer was, that it was impossible—the state of the revenue would not admit of it. And yet he ventured to assert, that no intelligent man in the trade would say, that he would not prefer a reduction of the tea duties to keeping up a large naval force in the China seas. On the contrary, that he would infinitely prefer a larger consumption of tea, at reduced prices, by which his trade would be extended, than trust to the efficacy and chance of extending it by the power of the cannon and the sword. With respect to India, they were told, that if we increased our army there it was of no consequence, it was the East India Company that paid. True; but it did not follow that our estimates were not in consequence swelled by accounts for



half-pay and non-effective service. It had been asserted that our acquisition of the Punjab would open fresh markets for our manufactures. He doubted whether after those wars we should have as good a trade as we would have had without them. He doubted if the military ardour displayed by such engagements was not too often influenced by a large amount of prize money, and that but for that we should have had less of these frontier wars. Yet were they advanced as reasons why we should maintain a large military force. The great difficulty to be contended with in the reduction of our naval, military, and ordnance establishments, was the excessive zeal which the members of these professions had for their respective callings. He did not blame them. He would not say it proceeded from interested motives. It might, he knew, arise out of an honourable desire to see those professions increased to the greatest amount and degree of efficiency. But that was not the point of view in which that House could regard the question. On that subject he would quote the opinions of Sir H. Parnell, who said—

“ Secondly, as to the practicability of retrenchment, the zeal with which all existing expenses are defended, shows a considerable difficulty in the way of proving it. Each public department stands prepared to give the most confident reasons why it is absolutely necessary to keep up the scale of its expenditure to the exact point at which it now is. Every kind of sophism, insinuation, and assertion is worked up with vast ingenuity into a case to resist any attempt at effective retrenchment; and not only Government and Parliament, but also the public, suffer themselves, in this way, to have their judgment influenced rather by the personal authority of official men, who are always endeavouring to keep their respective services in the highest possible state of equipment and show, than by those principles of a sound system of finance, which require that that portion of the public expense which is incurred for military preparation and protection should be regulated by the quantity and measure of the danger to be guarded against.”

That excellent passage exactly expressed the views which his hon. Friend had submitted to the House—namely, that they should be guided by a sound system of finance, which required that that portion of the public expense which was incurred for military preparation and protection should be regulated by the quantity and measure of the danger to be guarded against. As for any unforeseen danger of collision with a foreign Power, he thought such a thing quite out of the question. When they considered the power of the press, the spread of commercial intercourse

amongst nations, the interests that must counteract any feelings of hostility or jealousy that might arise between those nations where no very extensive trade existed, he thought it was impossible to suppose that any active hostility could take place without long and ample preparation, and a vast deal of public notoriety and consideration. It was not probable that trifling events, such as the Spanish marriage, could now bring great nations into a state of hostility. He believed we would not again see the time when hostile armaments would be used, at least in Europe, for the sole and express purpose of conquest. That was a practice which only belonged to past ages, and he did not think it would be wise, in considering the amount of naval and military force necessary for the protection of the country, to put forward such a practice on the grounds of their policy. He believed that his hon. Friend was correct in his figures. They had nothing to guide them but Parliamentary documents—nothing but those means of information which were open to every other hon. Member. And looking at the returns for 1847, 1848, and 1849, he found it there stated, that the whole naval, military, and ordnance expenditure for the year ending 5th of January, 1850, was 17,645,000*l.* Now, seeing that it was only something more than 11,000,000*l.* in 1835, he could not understand by what process of reasoning it was contrived to make out that there was not an increase in our expenditure for these establishments almost amounting to 6,000,000*l.* Why were we to spend more by six millions in 1849 than we were spending in 1834? In asking the House to affirm the principle of the reduction of the public expenditure to what it had been in 1835, there was no pretence whatever for saying that his hon. Friend the Member for the West Riding was willing to leave the country defenceless. What ground was there for saying that the country would be left defenceless, when the hon. Gentleman was prepared to allow so large a sum as 10,000,000*l.* sterling per annum for naval and military services? That sum was more than double the amount of the whole government, including both the naval and military expenses, of the United States of America. Here the larger sum was to be allowed solely for the expenses of the Army and Navy of this country. The proposer or supporters of the Motion now before the House were not, therefore, to be charged with any indifference for the security or defence of

England, or any disregard for the interests of the public creditor. They claimed, as the ground for submitting the Motion to the House, an earnest desire for the best interests of the country, and so to frame our establishments that they might correspond with the wants and wishes of the community at large. Now, as regarded the Navy, he hoped that evening to hear some Minister explain what was the meaning of the policy of reducing the number of men while there was no reduction in the number of officers. It was an undoubted fact, that some of our ships were insufficiently manned, while there was a much greater number of officers than were required for the service. He should like to know what was the advantage of keeping upon the lists a greater number of officers than could by possibility be required for the services to be performed. Was there any Gentleman in the House who would get up and say that that was good policy—that it was wise to maintain a larger number of officers than could be required for the work to be done? He believed there was not one Gentleman in the House who would attempt to maintain the wisdom of such a proceeding. If no one would say a word in support of it, why should those Gentlemen vote in support of the principle of maintaining a greater number of officers than was necessary? It had been stated, over and over again, by distinguished officers of the Navy, that the number of officers was greatly disproportioned to the number of men employed in that service. The result was injurious, in the long run, to the officers themselves, for when the work to be performed by them, came to be divided amongst so many, it was found that there was nothing like enough to provide sufficient employment to entitle each officer to emoluments suitable to his profession. The principle of employing an unnecessary number of officers in the Navy, was, in point of fact, adverse to their own interests, while it was one of the reasons why the sums of money paid for what was called “ineffective services” were so large. The hon. Member for North Warwickshire, who took up this question, said he was for maintaining the effective service of the Army and Navy, but he was not in favour of spending money to the extent to which it was lately spent in keeping up what was called the “ineffective service.” With regard to the old story about the admirals, it was hardly necessary to repeat it. There

were about 150 admirals, while there was work only for about a dozen!—no one proposed that they should be diminished, although it was never denied there was no work for more than about a dozen. The right hon. Member for Ripon put a question upon this very subject some time ago to the then Member for Sheffield, who was at the time Secretary to the Admiralty. The question was—

“ Upon what principle the number was limited to 150 admirals, seeing that there was not work for more than a dozen?”

What was the answer of the Secretary to the Admiralty?—

“ That he did not know exactly the principle upon which the number was so limited—that he did not know the mode of doing it”

—or something of that sort. He (Mr. Gibson) must not presume to say so, but it might be inferred, he thought, from the terms of the question that the right hon. Gentleman who put it thought there ought to have been some reason given for fixing the number of admirals at 150, when only a dozen were required. There was some limit, certainly, and some such rules also applied to captains and others with respect to their promotion. In many instances the rules were departed from, but the people of the country found themselves maintaining a large number of officers, whose services were not requisite for any public purposes. He did not believe such a principle could be approved of; but by some mysterious influence it was suffered to continue. He would not say what that mysterious influence was—he would not use the word spoil, or say that the House had an interest in keeping up the expenditure; but this he would say, that, if it continued to be kept up, the public would give the House credit for acting from interested motives. If the public perceived that year after year a larger number of officers than were necessary were supported by the Government, although there was not a Member even of the House of Commons who could get up in his place and say that such a number was necessary, he thought it behoved the House to consider the question as a most serious and important one. He appealed to agricultural Gentlemen on the opposite benches to turn their attention to the question in a proper spirit. They might not approve of his anti-military views; but really they were not anti-military, for he had not the slightest wish to disparage any of the officers in Her Majesty's service—he believed they had all the

virtues and infirmities of other men; and in all he now said, he was merely contending for a principle, and advocating what he thought a sound principle. In that spirit he appealed to hon. Gentlemen connected with the agricultural interests, and asked them not to turn their backs upon a Motion of such importance as that under their consideration. Surely, now that the corn laws had been disposed of, the agricultural interests were not adverse to those of the public at large. For his own part, he could not understand upon what principle it was that the mere possession of land could make a man feel bound or disposed to support those enormously extravagant establishments. He would undertake to say that the share of the spoil any landowner might get in the course of his life, would never recompense him for the burden cast upon his property by those expensive establishments. He, therefore, called upon hon. Gentlemen representing the agricultural districts, for the sake of their own properties, as well as for the general interests of the country, to give their aid now to put down all needless places, and all extravagant salaries and unnecessary works and establishments. In other places they promised to do this. They proclaimed their intentions to their constituencies and their supporters, but now they had an opportunity to give effect to their promises by voting in support of the present Motion. The diminution of the public expenditure was the only means to obtain the repeal of the malt and hop duties, which pressed severely upon agriculturists. If hon. Gentlemen opposite were sincere in the expression of their desire to have those taxes removed, they would support the present Motion. Could it be supposed that the Government would repeal those duties while the public expenditure was undiminished? No: he defied them to do so. Hon. Gentlemen opposite should, therefore, support the Motion, that the sum suggested should be gradually struck off with prudence and caution. It would be conferring a benefit, not only upon their own interests, but a benefit of great importance upon the country at large. [*Cries of "Divide, divide!"*] He had only a few words more to say, and should apologise for trespassing so long upon the attention of the House. He wished to observe, that he could see no reason why hon. Gentlemen opposite—the agricultural party—should not support the Motion of his hon. Friend. If it was a mere clap-

trap Motion, brought forward with the view of obtaining the support of hon. Gentlemen opposite, it would not have been framed as it had been—all reference to the naval and military defences of the country would have been left out, and the Motion would have been shaped somewhat in this form—"That, in consequence of the altered state of circumstances arising from the removal of the corn laws, the reduction of the public expenditure, salaries, &c., paid by the public had become necessary." It was not a clap-trap Motion, and it was, therefore, framed to express the opinions of those who originated and supported it. They knew that unless hon. Gentlemen opposite joined in reducing the public expenses, and would consider the question so as not to disguise from their own minds the absolute necessity of dealing with the armaments, it would be impossible for the House to effect a material reduction, although it was most essential to the interest and well-being of every branch of the country.

MR. HENLEY said, when he heard the speech of the right hon. Gentleman who had just sat down, the speech of the hon. Member for Montrose, and the very able and temperate speech of the hon. Member for the West Riding of Yorkshire—when he heard each of those Gentlemen go over and over again into a minute detail of every branch of the public service, and grappling with no particular subject—the right hon. Gentleman who had just sat down having mixed up details of pauperism and crime, and placed them in juxtaposition with questions relating to the public credit—he confessed he was compelled to ask the question, what did this Motion mean? And when he found (for they were not to vote upon the speeches of hon. Members) that by the terms of the Motion the House was called upon to affirm that which was not correct, namely, that there had been an increase of 6,000,000*l.* in the expenditure for our naval and military establishments, he could not assent to such a Motion. No doubt 4,000,000*l.* out of the 6,000,000*l.* did relate to the naval and military expenditure; but they were speaking of the whole expenditure, and it was not true in terms to say that the principal part of the whole increase was caused by augmentations in those services. The last part, the operative part of the Motion, was still more objectionable, for it pledged the House to go back to the exact expenditure, neither more nor less, of 1835, whether or

not it was fitting or convenient in respect to the present state of the country. Was that the real Motion? Was it not rather a Motion made with the anticipation that there was no chance of carrying it? Why was this Motion brought forward? To enable certain Gentlemen to go about the country and say, "See, in consequence of our resolution, how the Government are reducing the taxes. We will propose a Motion which we know we cannot carry, because it is proposed in terms to which no person will assent; but we have it as a constant stock purse for agitation, and derive great public benefits from it." That was the A B C of this Motion. Had it not been made a great means of agitation out of doors, and was it not proposed in exactly the same terms as last Session? If that were so, was it really intended to bring down the expenditure? He did not believe that it had any such motive. If the House refused to vote a tax, the Government would take care to reduce the expenditure. That was the practical way of effecting a reduction of taxation. There was not one single branch of the public expenditure into which hon. Gentlemen who supported the Motion had not gone into detail, but upon which the terms of the Motion prevented the House from giving any opinion. The speeches of hon. Gentlemen were well enough, but when they came to look at the direct terms of the Motion, they would find that it pledged the House to go back to the expenditure of 1835, neither more nor less. But the right hon. Member for Manchester gave a curious illustration of the subject of naval stores, for he compared our present stores with those of what he called a year of destitution, and to prove that 1835 was a year of destitution, he compared its stores with those of 1834. Well, it appeared to him as a natural consequence that if there was an excess of stores in 1834, there would in 1835 be a reduction.

MR. M. GIBSON said, that he had given the first vote proposed in 1834, and that there was a still further reduction proposed in 1835.

MR. HENLEY: And very natural it should be so. A prudent Minister, finding his warehouses full in 1834, would not go on purchasing stores. That explained why, in 1835, the estimates for stores was so low. Then the right hon. Member admitted there had been a decrease in the number of men, and everybody knew that the natural effect of that was an increase

in the stores, as there was not the same use for them. Without giving any opinion as to the prudence of those reductions, they would most triumphantly confute all that the right hon. Gentleman had said with respect to stores. But was that all? The Mover of the Motion and the hon. Member for Montrose asked the House to go back to 1835; but in their speeches they said they would be content with the average of three years. What did they mean? Were they sincere in asking to go back to 1835; and if they really wished to pledge the House to that, what did they mean by saying they would take the average of three years? That average made the expenditure 1,000,000*l.* more than 1835. This Motion, in fact, was like all other general Motions of the kind, which only expressed the views of particular parties, without having any definite object. He could see how it might be very convenient for those Gentlemen who sat on the benches behind those usually occupied by the Ministers to bring a Motion forward which would give no real inconvenience to their friends who sat before them. If they wanted actually to reduce the public burdens, the course to have taken would have been to make a specific Motion, on which, if a majority agreed, some tax would be got rid of, and the Government would soon reduce the expenditure to meet it. Last year he (Mr. Henley) had brought forward a Motion of the practical nature which he had described. He should renew that Motion. That (unlike this) was a Motion which ought to be practically grappled with. Whether Members liked it or disliked it, they could at all events express an opinion upon it—and, if carried, it would reduce the expenditure. He was sorry the Motion was couched in terms which prevent him from voting for it.

LORD J. RUSSELL: Sir, the right hon. Gentleman who spoke last but one concluded his speech with a pathetic appeal to those connected with the agricultural interest to vote in favour of this Motion; but I cannot say that the right hon. Gentleman paid them a very high compliment; because he urged that they were not likely to derive so much advantage from the continuance of the burdens to which they were subjected, as from the share they might claim in the proposed reduction of expenditure. Sir, I own I do not think the compliment was a very high one; and I doubt very much whether the plea used will prove so effective as that cajolery of the ladies, of



which we heard so much in the debate of last night. With regard to the question before the House, I must say that, agreeing with the hon. Member for Oxfordshire, and others who have spoken in this debate, I think the hon. Member for the West Riding has made a most judicious speech in support of a very injudicious Motion. The Motion begins by calling upon this House to affirm that the increase of 6,000,000*l.* since 1835 has been caused principally by successive outlays for defensive armies. It does not say in terms that the successive augmentation has continued to the present day; but any one reading the Motion would conceive that if the House of Commons affirmed the Motion, there had been that successive augmentation. The fact is, however, as my right hon. Friend the Chancellor of the Exchequer said last year, that there was a reduction of 1,400,000*l.* in the military establishments of last year; and in the proposed estimates of this year there is a reduction of 700,000*l.*, making in the two years a reduction of 2,100,000*l.* I say, therefore, it is not fair to talk of successive augmentations, and not admit that the Government has made reductions in these establishments. But then the right hon. Gentleman the Member for Manchester says the Government is bound to show how this increase of 6,000,000*l.* has arisen. Sir, I should have thought that the speech of my right hon. Friend the President of the Board of Trade had shown to a very great extent how this increase of 6,000,000*l.* has arisen, partly in the civil establishments, partly in taking charges which were local charges on the Consolidated Fund, and partly in increase in the military establishments. But the right hon. Gentleman the Member for Manchester either did not listen to my right hon. Friend, or he requires some further explanation on the subject. With respect to the increased amount on account of military establishments, which, according to the hon. Member for Oxfordshire, was upwards of 4,000,000*l.*, there is a great reduction to be made. There are the excesses for establishments of former years, amounting to 642,000*l.*, appropriations in aid, which, in 1835, were deducted from the expenditure. There is then the item for Post-office packet service, which is an increase over the expenditure of 1834, to no less a sum than 737,000*l.* I beg the attention of the House to these particular items. The right hon. Member for Manchester says that all this is an increase in our establishments. Now,

a portion of this sum of 737,000*l.* used formerly to be defrayed out of the revenue of the Post-office; and it never came before the House of Commons at all. That course was frequently objected to by the hon. Member for Montrose, who, at that time, as at others, said that the whole expense of the country ought to come before the view of the House; and that if you have a sum taken out of the revenue, that sum should be placed in the estimates and voted in the House. Sir, as a matter of principle, that is a fair claim, and different Governments have endeavoured to comply with the request. But what do we see as the consequence? No sooner is it done than the right hon. Gentleman the Member for Manchester gets up and says there is an enormous increase in our expenditure. But, in point of fact, the expense to the country is the same, although the mode of voting is more regular. Now, Sir, this observation of the right hon. Gentleman applies not only to this charge but to many other charges in the shape of increase since 1835. No doubt there has been an increase of expense in the packet service since 1835; but the object with which that expense was incurred—whether wise or not is not now in argument—was to facilitate trade, and the communication between this country and its colonies, as also with foreign countries. So that it is altogether a misrepresentation to say that this increase has been on account of our military establishments, when it has been incurred for the purpose of facilitating our commerce and communication with other countries. These various sums reduce the whole amount of increase in our military establishments in 1849, as compared with 1835, to 2,365,000*l.* With regard, again, to the Army, which is the first of those questions which we should propose to enter on to-night. The Army has had increased duties to perform since 1835. I will not at this moment enter into the important question whether or no it is wise to defend our colonies; but it is certain that the Army has been called upon to perform various duties of that kind, and that in every duty they have had to perform, whether against the enemy in the field, or in exhibiting temper and good conduct at home, they have preserved all that energy and good conduct which have always distinguished them. But the whole amount of increase since 1835, on account of the Army, has been only 111,000*l.*; and that amount, considering the increase in the empire,

and the situations in which it has been placed, is assuredly no extravagant or extraordinary increase. With regard to another of the sums with respect to which it is stated that an increase has occurred, and which has taken place, it is contended, on account of the aristocracy, and to facilitate private patronage—I mean the pensions of soldiers—formerly, the soldier was only entitled to receive his pension at the end of the year. By an arrangement effected by Lord Chatham, there was a deduction of 5*l.* per cent in these pensions, but there is now a different arrangement, and as a matter of fairness, not of right, the whole of that deduction has been taken off, amounting to no less than 50,000*l.* a year. But the right hon. Gentleman the Member for Manchester also wishes to know why there is not a diminution made in the number of regiments and officers? That, Sir, I think, is a matter of detail which my right hon. Friend the Secretary at War will explain; but thus much I may say, that there were many second battalions raised a few years ago which were now to be, or recently had been, reduced. It might be true that they had not gotten rid of the expense of all the officers; but as vacancies occurred in other regiments, those officers would fill them up, and so the cost to the country be gradually lightened. If we pass to the Navy, we certainly see a great increase in the expenditure on account of it. But that, again, is a subject requiring very full consideration when it comes before us. If, however, the hon. Member for the West Riding has any rational reduction to propose in these estimates, let him propose them at the proper time. I, Sir, do not mean to find any fault, although the right hon. Gentleman the Member for Manchester seemed to think that we should, with the estimates of 1835. I voted for those estimates when out of office. Some of them I concurred in moving when I was in office, and I see no reason to find fault with them in the circumstances of that year. But this I know, Sir, that after those estimates had been reduced, there was a constant pressure out of doors and in this House to increase them. And I remember that when my right hon. Friend the Chancellor of the Exchequer, then Secretary to the Admiralty, showed the increase which was afterwards made, he was able to defend himself on the ground that the Government had not sufficiently increased the Navy, or made sufficient pro-

vision for that noble branch of the service for the defence of the country. If that was the case, Sir, I do not think successive Governments have been so much to blame for increasing the naval expenditure of the country. Again, whatever advantage this country may derive by means of steam must be participated in by other countries; and it is absolutely necessary that we should have a steam navy to cope with a force of the same kind which an enemy might bring against us. I think it impossible that the steam navy could be set on foot without a large increase of expenditure. I think it impossible that it could be set on foot without some errors in the commencement of so new an enterprise. I do not think it a subject of regret that we should have a steam navy so very efficient, and so well calculated to form a defence for the country. In the ordnance, again, no doubt we have made a considerable increase; but we stated at the time the reasons of that increase; we stated that the artillery and engineering forces required a longer apprenticeship to science than the cavalry and infantry, and that it was desirable that a force which could not be so easily made perfect should not be allowed to fall too low. I believe that principle is a sound one. It is one which has been confirmed in this House, and I do not think that any person whose opinion on the subject is worth listening to would recommend a reduction in those departments. With regard, however, to one part of our naval expenditure, there has been a practice which prevailed for many years, and upon which my late lamented friend Lord Auckland began a reform which my right hon. Friend last year carried into complete effect, by not having a greater number of men borne than is voted by the House of Commons. Now, before I turn to the civil expenditure, I will just look at the proposal of the hon. Gentleman the Member for the West Riding, as he stated it to the House. He proposed that 5,800,000*l.* should be reduced from the military estimates, and 600,000*l.* from the civil estimates. That was the result, no doubt, of very great deliberation on his part, and he, of course, must have considered in what manner these estimates were to be reduced, and how the service of the country could be efficiently performed. But there is one thing that he has entirely lost sight of. He said, “I will give you 10,000,000*l.* for the purposes of the military services, and no one can complain that I grudge you the means of defence for

the country." But it so happens that these estimates are divided into effective and non-effective services, and with regard to a great portion of them, namely, almost the whole of the non-effective, you are bound either by law or by good faith not to diminish these sums. It is impossible that Parliament, with any regard to honesty or to its own credit, can touch the sums voted to these men. But these heads amount in the present year to no less than 3,784,000*l.*, and the sums voted for the effective service amount to no more than 10,518,000*l.*; and on that sum the hon. Gentleman proposes to reduce no less than 5,800,000*l.* I should like to know what the hon. Member for North Warwickshire means to do in respect to these non-effective charges. Unless the hon. Member is bound to nothing more than a general resolution—unless he has a plan of his own, he is bound to reduce to such an extent the naval and military forces of the country, that I really do not know how any one can possibly say that an effective force for the defence of the country can be kept up. I should like to hear the hon. Member's particulars? Does he mean to reduce 30,000 or 40,000 men in the Army? Is it 10,000 or 20,000 men in the Navy that he means to propose to have reduced?—because without some such reductions as these it is quite impossible that 5,800,000*l.* can be reduced. However, other hon. Gentlemen may say that it is certainly not a reduction of the naval and military means of the country that is to be proposed, but that no doubt the civil services will afford the means of that reduction. But I must again ask, whether or not it is advisable, without looking at these several items, to say that you will go back to the estimates of 1835? With regard to many of these subjects, public opinion has been such that the Government going with that opinion have proposed a very large increase of expense. There has been a very great increase on the subject of education, I believe not less than 180,000*l.* or 200,000*l.* Now, do hon. Gentlemen who do not go to these extreme lengths about reducing the military expenditure, propose to cut off that increase? There has been another very considerable sum, amounting altogether to 570,000*l.*, all of which has been increased for the constabulary force in Ireland, and other expenses of a similar nature. Why, that was proposed—a great part of it—by the right hon. Gentleman the Member for

Tamworth, when he proposed the repeal of the corn laws, and when he put that which had hitherto been a local charge—a charge mainly affecting the landed interest, upon the Consolidated Fund. Now, does the hon. Gentleman mean to transfer that back again from the Consolidated Fund to the local rates? Does he intend to reverse the Motion of the hon. Member for Buckinghamshire, and instead of transferring a large sum from the local rates to the Consolidated Fund, do they mean again to transfer these large sums from the Consolidated Fund back to the local rates? I should like to know if any of those Gentlemen who voted for the Motion of the hon. Member for Buckinghamshire are going to vote for this Motion, which is a direct contradiction of the other. [Mr. M. GIBSON: Hear, hear!] The right hon. Gentleman cheers that sentiment. I certainly voted against the Motion of the hon. Member for Buckinghamshire, for giving 2,000,000*l.* to the real property of the country by placing local charges on the Consolidated Fund; but I certainly cannot agree to the repeal of that Act of 1846, to which, I think, we are bound in honour to adhere. Well, then, the sum of 6,000,000*l.* is indeed very much reduced. With regard to upwards of 2,000,000*l.* of it, it consists of charges that were formerly taken in diminution of votes, or that were on the public revenue, or that were in some other way not an actual increase of expenditure. That accounts for nearly 2,000,000*l.* There is another portion which has increased in the civil expenses, which I know is a portion that this House will hardly wish to diminish. But if hon. Gentlemen do wish to diminish them, on the occasion of the Miscellaneous Estimates being brought forward, every one of these votes not on the Consolidated Fund may come under the revision of this House; and at that time hon. Gentlemen may propose their Motions for reductions. There remains, therefore, but a small part of the 6,000,000*l.* on which reduction can fairly be made; and I put it to the House whether it will agree to a general resolution that seems to pledge us to a reduction of 6,000,000*l.*, when perhaps by refusing to grant money that would be requisite for the public service, and not agreeing to votes which the Government should think necessary, it might be afterwards found that 2,000,000*l.* was the utmost that could be reduced in the expenditure. But then the hon. Member for the West Riding has a most convenient

proviso with respect to this Motion. There seems to be on the face of it somewhat of imprudence, in saying that whatever may be the state of the country—whatever the danger that may arise in three months, or a year, or two years, that you will fix beforehand what will be your exact expenditure on the military forces of the country. But, then, the hon. Gentleman says, “Oh, yes! but in the case of any circumstances requiring extra military preparations, of course this resolution will be neglected, and a larger sum will be readily voted.” But if this is really to be the case, I cannot see the use of the resolution at all. If the House is to retain its discretion after the resolution is passed, why should it not keep its discretion as it is now? Why not retain the power to say, “There is an increase of expenditure absolutely necessary for the safety of the State; we are not fettered by any resolution, and therefore shall at once proceed to vote the amount?” Really, if it were not that the hon. Gentleman can’t be accused of views of that kind, one might suppose that the hon. Gentleman was open to the accusation sometimes made against Members of this House, believed to be ambitious of office, namely, that they wish to escape while in office from the votes they have given before; because, with this proviso, if the hon. Gentleman were to become Chancellor of the Exchequer the very next month, he might rise and say, “that the circumstances of the country were quite changed; there is no longer either a necessity or justification for the resolution I formerly proposed, and I must ask the House for exactly the same votes as were granted to previous Governments.” But without accusing the hon. Gentleman of anything of that kind, I think he has rather committed himself by some of the speeches he has made in the country, in which he said—

“the expenditure has increased 10,000,000*l.* since 1835; it is a most profligate expenditure, and it is kept up for the promotion of the sons of the aristocracy, who ought to be otherwise provided for, and we are bound to refuse it any longer.”

The hon. Gentleman has frightened himself and the country very much with that declaration. He has not taken the pains to look into these items; he had not found out that many of these charges were charges that have been on the revenue—that many of them were for the increase of education, and other votes for science and art, which he, as well as others, would have been ready to assent to.

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And having so done, he finds himself committed to bring before this House the consideration of this subject. I think it would have been much better if he had made a more practical proposition, after a careful examination of all these different estimates, and had somewhat retracted the accusation that 12,000,000*l.* were spent in this profligate way, and especially that the officers of the Army and Navy were guilty of the mean practices that he charged them with. Well, Sir, having said this, I however wish to say also what I think is really due to the hon. Member, that I believe his calling the attention of the country to the general expenditure of the nation has been productive of very useful results, by enabling the Government to make reductions which otherwise it might have found itself unable to effect; and I don’t mean to deprive the hon. Gentleman of any credit that may be due to him in this respect. But, Sir, when I say this, I must altogether protest against the view of the right hon. Gentleman the Member for Manchester. I will not follow the right hon. Gentleman through his views with regard to Greece or China; but he laid down, as it were, as an axiom, that if any injury were done to a British subject in any part of the globe, the proper course for a Minister to take is not to resent that injury, but to disarm altogether, and propose some reduction in the tea duties, or some other tax, and to leave British subjects altogether without protection. [Mr. M. GIBSON intimated his dissent.] The right hon. Gentleman says that this does not imply his meaning; but he must recollect the old saying, *Nec arma sine stipendiis, nec stipendia sine tributis*. And how, again, British subjects are to obtain redress, unless we maintain a sufficient force to sustain our claims, I really cannot imagine. I doubt whether any Minister of this country, if he were obliged to say, “We don’t mean to resort to force in any case, and we have not the means of resorting to force,” would be likely to obtain that redress for injuries offered to British subjects abroad, which I must tell the right hon. Gentleman they demand, and demand, too, in no very soft terms; because, in that very case of China, when the British merchants were obliged to pay two millions, and threatened with imprisonment and durance, they were not slow in transmitting complaints to this country; and the friends of the British merchants at home were not slow in making representa-



tions that some redress ought to be obtained. But really we have been told to-night that as we have low prices we must have low establishments; and, indeed, it appears that some think we must have low views as well—that we are in every case where injury may be done to our commerce by any interruption of our amicable relations with foreign Powers—and such an interruption in any case I sincerely regret, because I well know how mischievous it is—but we are told we must comply with every demand that the Governments of those countries may think it necessary to make, while redress has been asked for and refused. Sir, we have had no Government in this country that has adopted that principle, no statesman who has ever swayed the destinies of this empire since the Revolution—not even that most pacific of Ministers, Sir Robert Walpole—believed that when British subjects were injured, and had a right to ask for redress, that that redress should be enforced, if necessary, even by recourse to arms. It would be quite a new policy in this country for a Minister to pursue any other course. Sir, with regard to this Motion, I believe the House will not interpose a resolution of this kind, to prevent going into Committee of Supply. The hon. Member for the West Riding, who brought forward this Motion, is fond, I believe, of political predictions—predictions which are not always justified by the event, and some of those predictions he lately made in a speech delivered in the country. I read that speech with some attention, and I found that in one part of it the hon. Gentleman says—

“ Oh, the Government will not adopt our proposals for reduction. They will reject all real economy. Some apparent diminution may be made, but anything of the sort will be followed by a subsequent increase.”

In another part of his speech, the hon. Gentleman told his auditory—

“ You will see that Government in course of time will go back to the estimates of 1835. They will reduce the estimates to that scale, but they will not do so when we bring forward our Motion, because if so we should be Ministers in their place.”

Well now, but these two predictions seem so opposed—they are so contradictory in themselves, that it would appear as if one of them must come right. But I can assure the House that we shall not, in the first place, refuse to make reductions. We have been making reductions since 1848. I stated that, in our military estimates

alone, in the course of two years, we effected a reduction of 2,000,000*l*. As to offices—in the course of last week alone, two offices fell vacant which will not be filled up, and another office I propose to reduce next week, in point of salary. Whenever occasions happen—whenever we find that an office can be reduced, or that the salary is excessive, we shall be ready to seize these opportunities of retrenchment. As to the second prediction of the hon. Gentleman, that we mean, although we will not profess it, to go back to the scale of 1835, why I must say— [Mr. CORDELL: Will the noble Lord tell me when I made the speech to which he is referring?] The speech—I read it in a newspaper, but I will have the newspaper looked for, and bring it down to the House, and read it. I assure the hon. Gentleman that I paid great attention to his speech. However, I was going on to say that, not denying but that the estimate of 1835 might have been upon the proper scale for that particular year, we do not think, for various reasons, some of which I have stated, that there has been any undue increase in the naval and ordnance estimates; and as for the general estimates, it is evident, from the facts which I have stated, that it is impossible, in respect to them, that we can go back to the scale of 1835 without an undue reduction of our military and naval forces, and the refusal of many votes for the promotion of education and other useful purposes—a course which it would be most inexpedient to adopt. We therefore do not propose to go back to the estimates of 1835. We shall be ready, whenever opportunity serves, to make reductions, but we will not, for the sake of popularity, or for any other purpose, pretend to make reductions which we think would be most injurious to the interests of the empire. The House of Commons, of course, has its duty to perform, and that duty would not be performed by affirming the resolution of to-night. Whenever the Minister of the Crown brings forward estimates, it ought to be the duty of the House to weigh and consider these estimates, and to vote them, not according to a previous and general resolution, but according to the wants of the different services of the country, and their general view of what the interests of the country require. Such is the obligation which rests on the House of Commons. There is also an obligation resting on us to bring forward no extravagant and excessive estimates. But there

is also an equal obligation upon us not to reduce the estimates below the point which we think necessary for the maintenance of the honour, the dignity, and the safety of the empire.

COLONEL SIBTHORP said, that he should not support the party of the hon. Member for the West Riding, or the party of the noble Lord at the head of the Government, thinking that it was six of one and half a dozen of the other, and not having the slightest confidence in either. He was curious to know how far the right hon. Baronet the Member for Tamworth would go in supporting the man of unadorned eloquence; but as he had no confidence in either of the contending parties—as he believed that they were all rogues and jobbers together—he therefore thought the best thing he could do was to take up his hat and take his leave.

Question put, “That the words proposed to be left out stand part of the Question.”

The House divided:—Ayes 272; Noes 89: Majority 183.

#### *List of the AYES.*

Abdy, Sir T. N.	Brooke, Lord
Acland, Sir T. D.	Buller, Sir J. Y.
Adair, R. A. S.	Bunbury, E. H.
Anson, hon. Col.	Burrell, Sir O. M.
Archdall, Capt. M.	Burroughs, H. N.
Armstrong, Sir A.	Busfield, W.
Armstrong, R. B.	Buxton, Sir E. N.
Arundel and Surrey	Campbell, hon. W. F.
Earl of	Cardwell, E.
Ashley, Lord	Carew, W. H. P.
Baines, rt. hon. M. T.	Carter, J. B.
Baring, H. B.	Cavendish, hon. C. C.
Baring, T.	Cavendish, W. G.
Baring, hon. F.	Charteris, hon. F.
Barnard, E. G.	Chatterton, Col.
Barrington, Visct.	Chichester, Lord J. L.
Bateson, T.	Childers, J. W.
Bellew, R. M.	Christy, S.
Beresford, W.	Clements, hon. C. S.
Berkeley, Adm.	Clerk, rt. hon. Sir G.
Berkeley, hon. H. F.	Olive, hon. R. H.
Berkeley, C. L. G.	Clive, H. B.
Bernal, R.	Cobbold, J. C.
Birch, Sir T. B.	Cocks, T. S.
Blackall, S. W.	Cole, hon. H. A.
Blair, S.	Colville, C. R.
Blandford, Marq. of	Compton, H. C.
Boldero, H. G.	Corry, rt. hon. H. L.
Bowles, Adm.	Cowper, hon. W. F.
Boyle, hon. Col.	Cubitt, W.
Bramston, T. W.	Curteis, H. M.
Brand, T.	Dalrymple, Capt.
Bremridge, R.	Dawson, hon. T. V.
Briscoe, M.	Deedes, W.
Broadley, H.	Denison, E.
Brocklehurst, J.	Denison, J. E.
Brockman, E. D.	Dodd, G.

Douglas, Sir C. E.	Jermyn, Earl
Douro, Marq. of	Jervis, Sir J.
Drummond, H. H.	Jocelyn, Visct.
Duckworth, Sir J. T. B.	Johnstone, Sir J.
Dundas, Adm.	Jolliffe, Sir W. G. H.
Dundas, G.	Jones, Capt.
Dundas, rt. hon. Sir D.	Kildare, Marq. of
Dunne, Col.	Knox, Col.
Du Pre, C. G.	Labouchere, rt. hon. H.
Ebrington, Visct.	Langston, J. H.
Edwards, H.	Lascelles, hon. W. S.
Elliot, hon. J. E.	Lemon, Sir C.
Enfield, Visct.	Lewis, G. C.
Estcourt, J. B. B.	Lewisham, Visct.
Euston, Earl of	Lindsey, hon. Col.
Evans, W.	Littleton, hon. E. R.
Farrer, J.	Loch, J.
Ferguson, Col.	Locke, J.
Ferguson, Sir R. A.	Lockhart, W.
Filmer, Sir E.	Mackenzie, W. F.
Foley, J. H. H.	Mackie, J.
Forester, hon. G. C. W.	Mahon, The O'Gorman
Forster, M.	Mahon, Visct.
Fortescue, hon. J. W.	Manners, Lord J.
Fox, S. W. L.	Marshall, W.
Freestun, Col.	Martin, C. W.
French, F.	Masterman, J.
Fuller, A. E.	Matheson, Col.
Glyn, G. C.	Maule, rt. hon. F.
Goddard, A. L.	Maxwell, hon. J. P.
Gordon, Adm.	Melgund, Visct.
Goulburn, rt. hon. H.	Miles, P. W. S.
Grace, O. D. J.	Milnes, R. M.
Graham, rt. hon. Sir J.	Moncell, W.
Grenfell, C. P.	Morgan, O.
Grenfell, C. W.	Morison, Sir W.
Grey, rt. hon. Sir G.	Mulgrave, Earl of
Grey, R. W.	Mundy, W.
Grogan, E.	Muntz, G. F.
Grosvenor, Lord R.	Mure, Col.
Grosvenor, Earl	Naas, Lord
Guernsey, Lord	Newdegate, C. N.
Guest, Sir J.	Newry & Morne, Visct.
Hallyburton, Lord J. F.	Norreys, Lord
Halsey, T. P.	Ogle, S. C. H.
Hamilton, G. A.	Ord, W.
Harcourt, G. G.	Oswald, A.
Hatchell, J.	Owen, Sir J.
Ilawes, B.	Packe, C. W.
Hayter, rt. hon. W. G.	Paget, Lord C.
Heald, J.	Paget, Lord G.
Heathcote, G. J.	Palmer, R.
Heneage, E.	Palmerston, Visct.
Henley, J. W.	Parker, J.
Herbert, H. A.	Peel, rt. hon. Sir R.
Herbert, rt. hon. S.	Peel, F.
Herries, rt. hon. J. C.	Pelham, hon. D. A.
Heywood, J.	Pinney, W.
Hildyard, T. B. T.	Plowden, W. H. C.
Hobhouse, rt. hon. Sir J.	Plumptre, J. P.
Hobhouse, T. B.	Portal, M.
Hodgson, W. N.	Power, N.
Hogg, Sir J. W.	Price, Sir R.
Holland, R.	Prime, R.
Hood, Sir A.	Pusey, P.
Hope, A.	Rawdon, Col.
Hornby, J.	Reid, Col.
Hotham, Lord	Repton, G. J. W.
Howard, Lord E.	Ricardo, O.
Howard, hon. O. W. G.	Rice, E. R.
Howard, hon. E. G. G.	Rich, H.
Howard, P. H.	Robartes, T. J. A.
Inglis, Sir R. H.	Romilly, Col.

Romilly, Sir J.  
Rumbold, C. E.  
Russell, Lord J.  
Russell, hon. E. S.  
Russell, F. C. H.  
Rutherford, A.  
Scrope, G. P.  
Seymour, Lord  
Sheil, rt. hon. R. L.  
Shelburne, Earl of  
Simeon, J.  
Slaney, R. A.  
Smith, J. A.  
Smollet, A.  
Somerset, Capt.  
Somerville, rt. hon. Sir W.  
Sotheron, T. H. S.  
Spearman, H. J.  
Stafford, A.  
Stanford, J. F.  
Stanley, hon. E. H.  
Stansfield, W. R. C.  
Stanton, W. H.  
Staunton, Sir G. T.  
Stuart, H.  
Sturt, H. G.  
Talbot, J. H.  
Taylor, T. E.

Tennent, R. J.  
Thesiger, Sir F.  
Thompson, Adm.  
Towneley, J.  
Townley, R. G.  
Townshend, Capt.  
Trevor, hon. G. R.  
Turner, G. J.  
Tynte, Col. C. J. K.  
Vane, Lord H.  
Verney, Sir H.  
Vesey, hon. T.  
Waddington, H. S.  
Wall, C. B.  
Walsh, Sir J. B.  
Watkins, Col. L.  
Wellesley, Lord C.  
West, F. R.  
Westhead, J. P. B.  
Williamson, Sir H.  
Wilson, J.  
Wilson, M.  
Wodehouse, E.  
Wrightson, W. B.  
Wyvill, M.

## TELLERS.

Tufnell, H.  
Hill, Lord M.

*List of the NOES.*

Adair, H. E.  
Aglionby, H. A.  
Alcock, T.  
Anderson, A.  
Baillie, H. J.  
Bennet, P.  
Blake, M. J.  
Blowitt, R. J.  
Bright, J.  
Brotherton, J.  
Brown, W.  
Cayley, E. S.  
Clay, J.  
Clifford, H. M.  
Coles, H. B.  
Currie, R.  
Devereux, J. T.  
Dick, Q.  
Duncan, Visct.  
Duncan, G.  
Ellis, J.  
Evelyn, W. J.  
Ewart, W.  
Fagan, W.  
Fergus, J.  
Fitzwilliam, hon. G. W.  
Fordyce, A. D.  
Fox, W. J.  
Frewen, C. H.  
Gibson, rt. hon. T. M.  
Greene, J.  
Hall, Sir B.  
Hardcastle, J. A.  
Harris, R.  
Hastie, A.  
Hastie, A.  
Henry, A.  
Heyworth, L.  
Hope, H. T.  
Humphery, Ald.  
Hutt, W.  
Keating, R.

Kershaw, J.  
King, hon. P. J. L.  
Lacy, H. C.  
Lennard, T. B.  
Lushington, C.  
Meagher, T.  
Mangles, R. D.  
Marshall, J. G.  
Martin, J.  
Milner, W. M. E.  
Milton, Visct.  
Morris, D.  
Mowatt, F.  
Mullings, J. R.  
Nugent, Lord  
O'Flaherty, A.  
Osborne, R.  
Pechell, Sir G. B.  
Peto, S. M.  
Pigott, F.  
Pilkington, J.  
Rendlesham, Lord  
Reynolds, J.  
Ricardo, J. L.  
Salwey, Col.  
Sidney, Ald.  
Smith, J. B.  
Spooner, R.  
Stanley, E.  
Strickland, Sir G.  
Stuart, Lord J.  
Sullivan, M.  
Tancred, H. W.  
Thicknesse, R. A.  
Thompson, Col.  
Thompson, G.  
Thornely, T.  
Tollemache, hon. F. J.  
Trelawny, J. S.  
Wakley, T.  
Walmsley, Sir J.  
Wawn, J. T.

Willecox, B. M.  
Williams, J.  
Willoughby, Sir H.  
Wood, W. P.

Wyld, J.

## TELLERS.

Cobden, R.  
Hume, J.

Main Question put, and agreed to.  
Supply considered in Committee.

## SUPPLY—ARMY ESTIMATES.

MR. FOX MAULE said, that at so late an hour he would merely request the House to decide upon the number of men for the service of the Army in the ensuing year. In what he had to state he would confine himself entirely to the vote for the number of men, reserving to another occasion the information necessary for the Committee in all its further details. He understood that, though the Government were about to present the House with an estimate for this year still further reduced than that for the year preceding, it was the intention of the hon. Member for Montrose to propose a further reduction on that reduced estimate, and to take the sense of the Committee upon it. Last year, when he (Mr. F. Maule) proposed a vote of 103,000 men, the hon. Gentleman moved for a reduction of that number to 100,000. For the present year he presented a vote in which the number of men was reduced to 99,128. With respect to that particular number, and to the statement of the hon. Gentleman the Member for the West Riding, which had been followed by the right hon. Gentleman the Member for Manchester, and by the hon. Member for Montrose, he begged to draw the attention of the Committee to this fact, that so far from an increase of our force having been constantly maintained, the estimate for the present year, in comparison with the estimate for the year 1848-49, exhibited a deficiency of no less than 14,719 men. Then the hon. Member for the West Riding made another statement, that while we reduced the number of men, we did not reduce the number of officers. With respect to that, he would simply refer his hon. Friends to the estimates for the present year, where they would find that in a proposed reduction of 4,000 men, it was proposed to reduce no fewer than 128 officers. Though he intended to speak very briefly at so late an hour, he begged to draw the attention of the Committee to the fact, that so far from the officers of the Army having been proportionally increased since 1835 up to 1849, the proportion of officers to men in 1835 was one to 17, whereas it was now one officer to every 20 men only, and in all

augmentations which had been made since 1835, the proportion had been but one officer to 152 men. There was only one other point he would notice at present. He was no advocate for keeping up an undue and unfair proportion of officers to men, but he was still less an advocate for reducing the number of officers of our Army to barely sufficient to command the men; because it must be granted that the most economical mode of maintaining a force on which to rely at all times was to keep it in such a position that, if an exigency arose, it could be reinforced in the shortest time, and at the least possible expense. With these preliminary remarks he would proceed to submit to the Committee the vote for the number of men proposed for the present year; and if they would look to the estimates they would find that, as compared with the vote of March last year, there was an actual reduction of 4,126 officers and men. In order to effect that reduction, it was proposed to reduce the second battalions, which had been raised in 1845 as a means of increasing the Army at the time, and to bring back those regiments which had been so increased to their original state of one battalion. The reason for effecting that alteration was simply this—that such a mode of increasing the Army was not found to be on the whole a satisfactory method of increasing our forces, nor one which gave us all the efficiency which was required. The second battalions were in many instances far away from the first battalions—they were not provided with the necessary establishments; and in the state of their messes and other equipments there was a lack of the comforts which should be found in all the regiments of the service. In making the reductions, therefore, it appeared better to restore the regiments which had been thus augmented to the state of a single battalion, as before 1845, and to maintain the *depôt* system of 1825 in its integrity. With these observations, and with a briefer explanation than he would have given at a more favourable time, he would conclude by stating that, in order to maintain the reliefs which, according to the decision of the House were to be given to regiments serving abroad and in the colonies, the lowest force Her Majesty's Government could propose for the present year was 99,128 men, and he begged to place a vote for that amount in the hands of the Chairman.

Motion made, and Question proposed—

“That a number of Land Forces, not exceeding

99,128 men, exclusive of the men employed in the Territorial Possessions of the East India Company, Commissioned and Non-Commissioned Officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April, 1850, to the 31st day of March, 1851, inclusive.”

MR. HUME thought the right hon. Gentleman had stated sufficient reasons why they should take a further time for considering this vote, and for obtaining that explanation which the right hon. Gentleman had not time to give to-night—why so large a force was wanted. The right hon. Gentleman had declined to give that explanation in consequence of the lateness of the hour, though he had answered some parts of the speech of his (Mr. Hume's) hon. Friend the Member for the West Riding, which might well have been deferred until another opportunity. The proposition for a greater force this year than we had in 1834–5 required some explanation; and in order that they might obtain it, he would move that the Chairman report progress, and ask leave to sit again. He much regretted that they had gone into Committee at a time of night when no discussion could be taken. It was his intention, when the vote came to be discussed, to submit a definite Motion in regard to it, namely, to reduce the number of men to 90,000, being half the surplus of the present force over that of 1835; and he hoped, if they succeeded in that, to reduce by the other half next year. This was the vote upon which the whole of the other items of the military expenditure followed, and the House would not do their duty if they passed it without full consideration.

MR. FOX MAULE regretted that his hon. Friend had not stated his intention before they went into Committee, because when he proposed to go into Committee, he understood his hon. Friend did not intend to object to the vote of the number of men. His hon. Friend required an explanation why it was necessary to maintain the number of men proposed. He was quite ready to give that explanation, provided his hon. Friend was willing at that late hour to stay and hear it. [MR. HUME: Too late.] If his hon. Friend had said it was too late ten minutes ago, he should not have troubled the Committee with any observations.

MR. B. OSBORNE did not think his hon. Friend the Member for Montrose was asking any great favour from the right hon. Gentleman the Secretary at War in requesting that there should be sufficient



time given for discussion upon the vote. The House was called upon to vote away no less than 6,000,000*l.*, and when his hon. Friend asked for an adjournment, he was told by the right hon. Secretary of War, as it was only twenty minutes past twelve, they might as well hear his statement, and vote away at once those 6,000,000*l.* Now he (Mr. Osborne) did not think that exactly a respectable mode of voting away the money of the country. [*Cheers.*] He recognised amongst those loud cheers for the immediate vote the full tones of an ex-cavalry Officer; of course he was quite ready to vote for the Secretary at War. But he (Mr. Osborne) begged leave to tell his hon. and gallant Friend that he had an impression that a great reduction could be made in that particular arm of the service. [*Laughter.*] Yes, he maintained that there could be a very considerable saving effected in that arm, notwithstanding the ridicule which had been attempted to be cast upon the proposition of his hon. Friend the Member for the West Riding.

LORD J. RUSSELL said, that if the Government had understood that it was the intention of the hon. Member for Montrose to make such a Motion, they would not have done more than propose that the House should go into Committee *pro forma*, and his right hon. Friend the Secretary at War would not have troubled them with any statement. However, as the case now stood, he had no objection to the Chairman reporting progress, and asking leave to sit again on Monday.

Committee report progress; and to sit again on Monday next.

The House adjourned at half after Twelve o'clock till Monday next.

## HOUSE OF LORDS,

Monday, March 11, 1850.

MINUTES.] PUBLIC BILLS.—2<sup>d</sup> Railway Audit.

### DEFALCATIONS OF SIR THOMAS TURTON.

LORD BROUGHAM presented a petition from Alexander Brodie, manager of the Bank of Scotland at Stirling, complaining of losses incurred by certain persons through the defalcations of a person whom he once called his hon. and learned Friend, but whom he could call so no longer, as every man must be anxious to dissociate himself as widely as possible from an individual who had so misconducted himself—

he meant Sir Thomas Turton, late the Registrar of the Supreme Court at Calcutta. The petitioner complained that he had been compelled by law to invest the funds which he had lost in the hands of the Registrar; and he (Lord Brougham) suggested to his noble Friend the President of the Council that this part of the law should be immediately taken into consideration by Her Majesty's Government. There was no discovering the party who ought to make compensation for these losses. The East India Company contended that they were not liable, because the Registrar was not an officer of their appointment, and Her Majesty's Government denied its responsibility, because he was not a nominee of theirs. The fact was that the Crown, not the East India Company, nominated the Judges of the Supreme Courts in India, and that the Judges were the parties who nominated and appointed the Registrars. He thought that Her Majesty's Government might interfere in this case as it had done in the case of Mr. Ricketts, where compensation had been given to all parties suffering by his default. He had promised to state the case of the petitioner to the House—he had performed his promise, and that was all he could do for him. As to the rest, he must leave it in the hands of the Government.

The MARQUESS of LANSDOWNE observed, that his noble and learned Friend was quite correct in supposing that this question was one which had been for some time past under the consideration of Her Majesty's Government. It was, however, one extremely difficult to deal with; and he could not, at present, declare what might be the conclusion of Her Majesty's advisers upon it.

The DUKE of WELLINGTON said, that he had listened with great attention to what had fallen from the two noble Lords who had preceded him; but there was one point which both of them had failed to notice. Now, what he wanted to know was this—were the Judges who appointed the Registrar required by law, or not, to take security from their nominee for the due discharge of all the duties of his office?

LORD BROUGHAM believed that they were required by law to take securities for his due and efficient discharge of the duties of his office; but they were not securities for him themselves.

The DUKE of WELLINGTON: In my opinion, if the Judges did not demand from their officer the securities required by law,

they are themselves liable for his defalcations.

Petition to lie on the table.

#### OATHS TAKEN BY MEMBERS OF PARLIAMENT.

LORD BROUGHAM then presented a petition from two noble Members of their Lordships' House, the Earl of Clancarty and the Earl of Bradford. They stated that they were by hereditary right entitled to the right of sitting and voting in their Lordships' House; but that they were excluded from the exercise of the privileges of sitting and voting in this House, by a conscientious objection to taking the oath called the Oath of Supremacy as at present administered; and praying that the oaths as at present required to be administered to Members of Parliament, may be modified with a view to the relief of such objection. They said that the language of the oath was inconsistent with the fact, and that they could not swear "that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm." They did not object to the words, "ought to have," but they did to the word "hath;" for they stated that by an Act passed in a late Session of Parliament, and generally entitled the Charitable Trusts (Ireland) Act, the existence and constitution of the Church of Rome was legally recognised within these islands. They therefore called upon their Lordships for relief. He had no occasion to tell those two noble Lords, for they knew it as well as any of their Lordships, that they could only obtain that relief in one way, and that was not by a Resolution of their Lordships' House, but by an Act of Parliament. They must, by the Act of Parliament now in force, take that oath in some public place before they could take their seats in that House; and if he were to say in any place, save in that House, where he was not amenable elsewhere for any words he might utter—for instance, if he were to say out of doors that their Lordships, by a resolution of their own, had the power to relieve these two noble Lords from the necessity of taking the oath of supremacy, without the assent of the Crown, or without the assent of the other House of Parliament, he should render himself liable to punishment of a highly grave and serious character; and therefore he durst not propose even to their

Lordships that those two Peers should be allowed to sit in that assembly without taking the oaths required by law. Supposing, for instance, that a Jew were entitled by the bounty of the Crown to take his seat in that House—and he might be allowed to use this argument, for no man, to the extent of his humble abilities, had been more active in seeking to procure for them admission into the Legislature—he should never dream of allowing him to take his seat by means of a resolution declaring that in his case the ordinary oaths should be dispensed with. He had said thus much, because a report had been current for the last forty-eight hours on the subject of the admission of Jews into the other House of Parliament—a report to which he had not hesitated, on behalf of his noble Friend opposite, to give the most flat and positive contradiction. It was so wild and extravagant a report that it was almost absurd to give it a serious contradiction. To say that the Jews, who had been kept out of Parliament by having been refused admission at the front door, would be enabled to be smuggled in by the back door, was a calumny on Her Majesty's Ministers so monstrous that he could not believe a single word of it. If the Jews could get into Parliament by the authority of an Act of Parliament, well; he should not object to such a measure, but should cordially support it; but that they could get in by an alteration of the oath, resting on a Resolution of the other House of Parliament alone, and not on an Act of Parliament, was monstrous, and he took it for granted that Her Majesty's Ministers had never even dreamt of such a thing, and that they would oppose it, if others either dreamt of or proposed a measure of such unquestionable folly.

The EARL of MOUNTCASHELL was convinced that if the terms of this oath were not altered in the present Session, many other Peers would feel themselves excluded from their seats by the impossibility of subscribing to them. He therefore hoped that Her Majesty's Ministers would give their Lordships a pledge that the terms of this oath should be altered before the close of the present Session.

LORD REDESDALE stated that he did not place the same construction on the words of the oath of supremacy as had been put on it by the two noble Peers in question; and yet he had, he hoped, as tender a conscience as any other of their Lordships.

The EARL of LANESBOROUGH said a few words, which were not distinctly heard.

Petition ordered to lie on the table.

#### RAILWAY AUDIT BILL.

Order of the Day for the Second Reading read.

EARL GRANVILLE, in moving the Second Reading of this Bill, said, that he had gone so fully into its details on the occasion of the first reading, and those of their Lordships who were most interested in the measure had had such ample opportunity for considering its provisions, that he would not now travel over the same ground again, although he should feel happy to give their Lordships any information on the subject they might require. He should, therefore, confine himself to a statement of the reasons which had induced Her Majesty's Government to introduce the measure in its present shape. Their Lordships were aware that by the present law it was attempted to provide for the proper keeping of railway accounts and for their efficient audit, and that as soon as the present Railway Board was constituted by the existing Government, the hon. Member who was at the head of that board brought in a Bill on the subject. But the clause in that Bill giving the Railway Commissioners power to inspect railway accounts, met with so violent an opposition that it did not pass the House of Commons. The opposition of some of the opponents of the measure at the time, both in and out of the House of Commons, had resulted in the right hon. Gentleman at the head of that department being driven from the office he held; although it was found that some of the most active promoters of that opposition were not free from the irregularities against which the clause in question had been intended to provide. About two years ago the subject was taken up by a noble Lord, a Member of their Lordships' House (Lord Montague), who having filled the office of Chancellor of the Exchequer, and being Comptroller of the Exchequer, was particularly well qualified to undertake it. Having applied himself with his usual zeal and industry to the preparation of a measure, the noble Lord introduced a Bill, which in some respects might be called a Shareholders' Bill, as it gave power to a certain number of shareholders in a company to call upon the Railway Commissioners to

audit their accounts. That Bill passed their Lordships' House unanimously; it went to the House of Commons, where its second reading was moved. The Bill was supported by the right hon. Gentleman the President of the Board of Trade; but the railway interest, injudiciously as he (Earl Granville) thought, opposed it, and it did not pass the House of Commons. In the following year the noble Lord to whom he had referred moved the appointment of a Select Committee to consider the question of railway audit. That Committee met often, and various resolutions were passed, upon which a Bill was afterwards founded. He might say that the real difficulty experienced by that Committee was to procure persons to come forward to give *bond fide* testimony upon the different matters involved in the inquiry: but the Committee came to a resolution affirming the necessity of having a system of railway audit. The Committee had before them representatives from all the great railway companies, and many of the gentlemen of experience in these matters had declared that the present system of auditing railway accounts was mere moonshine. The noble Lord to whom he had referred offered to relinquish the Bill into the hands of the Government; but the Government felt that it could not be in better hands, although in the other House of Parliament it was undertaken by the Government. While that Bill was yet under discussion, a deputation waited upon the noble Lord the First Minister of the Crown, stated their opposition to the measure, and added that if it were persevered in, another month would be added to the Session. Subsequently a measure on the subject had been suggested by parties connected with the North Western Company, but that proposition had not been entertained by the Government, as it was not considered that it provided an efficient and independent system of audit. It contained, for instance, the inherent defect of all other railway audits, namely, that the auditors were to be named by the directors, and were chosen for one year only, thereby leaving them insecure as to their future election, and subject to be influenced by the directors in consequence. It was then that he had been induced to ask their Lordships to give a first reading to this Bill, and within the last hour he might say that he had seen several gentlemen connected with those who had before opposed the measure of the noble Lord, who now said that they had reconsidered the Bill, the

principle of which remained, but in the details of which there were some alterations which would be explained. Now, with regard to the introduction of a measure on this subject, the Government felt that it would be unfair to the public, to their Lordships, and to the noble Lord (Lord Monteagle), if they had not at once come forward to explain their views upon the subject. The Government conceived that the great complaint of those who objected to the present system was that we were without a real, independent, and continuous audit of railway accounts. Their Lordships were bound to consider the arguments which were urged in public, impugning and defending such a measure. Some of those arguments they could not admit to be arguments of any value or force at all, especially those arguments in which it was contended that the solvency of railway companies was a question in which the public had no interest, and which only belonged to the shareholders and the directors. Now, he could not admit that this was true. When it was considered that Parliament had legislated specially on behalf of railway companies, and had conferred upon them great powers—that the network of those railways throughout the country had expanded to so large an extent, and that the operations of the Post Office and the transmission of troops were dependent upon them—he was certainly of opinion that the public as well as the directors and shareholders in railways were deeply interested in their solvency. He denied that it had been the intention of the noble Lord either to obtain any degree of undue credit, or to procure an additional opportunity for the exercise of patronage for the Government. So little founded were these charges, and particularly the latter one, that at one time undoubtedly the Government intended to have secured a greater degree of direct influence in the operations of the board, than they would possess under the Bill before them; but upon a due consideration of the whole subject, they thought it better to alter their views in that respect so as to prevent any such pretence being made a handle of, and giving rise to any difficulty in the other if not in this House as to the passing of the Bill. He would merely remind the House that under the provisions of this Bill there would be a railway central board continually employed in the auditing of railway accounts. The constitution of that board he had already ex-

plained, and he had now only to ask their Lordships to pass the second reading of the Bill.

LORD STANLEY would not oppose the second reading, unless, indeed, the remaining stages of the bill were to be pressed forward precipitately. In addressing himself to the subject before their Lordships, he confessed that he did not claim to be heard as an authority upon the matter. He had never attended a railway meeting, and he had never held a railway share, while, practically, he was conversant neither with the management of railways, nor the abuses or difficulties which had been found to prevail in connection with them, and which were said to require legislative improvement. Still, however, he addressed them because he had had that morning the honour of receiving a deputation, the authority of which he thought the House would be likely to recognise when he told them that it was composed of delegates from all the principal railways in the kingdom, representing no less than 119,000,000*l.* of paid-up capital. Now, had these gentlemen come to him with a proposition to resist an effective audit, he should have been the very last person to assist them, for, ignorant as he was of railway matters, he had heard and known enough of them to be well convinced that a really effective audit was indispensable for the good management of railways, and for the interests not only of the shareholders but of the public. Now, he did not mean to deny that the union of the railway companies on this subject had been, if not caused, at least accelerated, by the introduction of the Bill brought in by the Government, and to which they were asked that night to give a second reading; but his noble Friend had admitted the difficulties to be surmounted and the obstacles to be overcome in legislating upon this subject, and therefore he trusted that he would not be inclined to turn a deaf ear to the proposals which he (Lord Stanley) had to make upon the subject. Within the last three or four hours he had been waited upon by a deputation composed of the representatives of the principal railway companies—the representatives, indeed, of the vast majority of those undertakings. These gentlemen had come to an agreement with respect to the present measure of railway audit, and their opinions upon the subject they wished to be stated through him to their Lordships. The Bill before them, in the opinion of these gentlemen, professed to provide that which was most desirable—



a really effective, although not an independent audit. It did not provide an audit exclusive of the shareholders. The deputation stated to him several objections to the principle of that Bill, and he was sure that the subject was one in respect to which Government, if they could obtain the consent of the great majority of the parties interested, would gladly agree to give way upon minor points and matters of detail. To the Bill, then, as at present proposed, railway directors and railway shareholders entertained great objection; and he had now in his hand the printed draught of a Bill, which had been framed by the delegates of these railway companies, and which, if they would permit him to lay it upon the table of the House, would be tomorrow ready for presentation, and would be found to embody a scheme which they conceived would obviate the objections to the Bill of the Government, and prove beneficial to the shareholders. This deputation was by no means a deputation from the directors of railways. It was one emphatically emanating from the shareholders, and in many cases it consisted of individuals selected on account of the antagonistic position in which they had stood towards directors. These gentlemen stated to him objections to the Government measure, objections both of principle and detail. The first objection of the former class to which he would advert was that of centralisation. They objected that any three persons, be they who they might, should in themselves be invested with such a degree of authority and control over all the railways of the country, as the auditors would possess under this Bill. They objected, also, to the degree of control which Government would exercise over the auditors so chosen. It was true that the auditors were to be selected by delegates chosen out of all the railway companies; but what ground had his noble Friend for saying that after they were chosen, Government had no control over them? That was not the case. The auditors were to be appointed by delegates, but after their appointment Government could continue them in their offices, notwithstanding the objections or the well-founded complaints of the delegates and the companies. He did not say that Government would abuse that power, but under the provisions of the Bill they clearly possessed it. Besides this, Government were to fix the salaries of the auditors, and of all the persons to be appointed under them—persons who would form a most ex-

tensive and most expensive staff. But Government had also another duty to perform under this Bill; 10,000*l.* was to be levied, according to his noble Friend, who had much underrated the expense of this audit board, from the different companies—whether 10,000*l.* or 20,000*l.*, or 30,000*l.* signified little—it had to be raised from the different railway companies. Then the Government was to declare, or, to speak more correctly, the board of audit was to declare, and Government was to sanction, the principles upon which that sum was to be distributed and raised upon the different railway companies. As the Bill provided for the amount to be expended, it was important to know on what principle that amount was to be collected from the different companies. On what principle, then, were they going to impose that rate? By the amount of capital, or by the amount of dividend? Some companies had large capital and no dividend, and others had small capital but large dividends. How was the rate to be apportioned and collected in such a discrepancy of cases? Well, but the expense to which he was referring was calculated at 10,000*l.* He believed, and in saying so he spoke the opinions of the deputation, that that amount would be found wholly insufficient. The clerks, secretaries, and travellers of the London establishment would absorb 3,000*l.* or 4,000*l.* out of the 10,000*l.* Why, the audit-office in Liverpool of the London and North Western Railway cost upwards of 4,000*l.* a year; and the clearing-house in Euston-square cost upwards of 13,000*l.* a year. The Railway Commission which actually existed, cost 15,000*l.*; and to suppose that the 4,000*l.*, or 5,000*l.* which might be over after the expense of the London establishment had been defrayed would support the other necessary expenses, was, he believed, to entertain a most unreasonable proposition. But whatever the amount might actually be, it would be an amount over and above the actually existing expenditure of the companies. They must still continue to have their own audits, and to carry on their own business their own way; and he must say, that the addition of an indefinite amount of expenditure to that which they now actually were laying out, was a proposition to which they very naturally demurred. Again, the deputation represented that the proposed central board were to employ travelling clerks, who were to investigate the affairs of all companies in their own localities. This

was a provision which afforded reasonable grounds of apprehension, inasmuch as the companies feared that these clerks would be persons not inaccessible to such influences as might be employed by rival companies to induce them to reveal the details of business and management with which, in their official capacities, they might become acquainted. Again: this board of audit was for the alleged purpose of protecting the shareholders—for the alleged purpose of preventing the “cooking” of accounts. Now, he should wish to know from his noble Friend how this object was to be accomplished? At present railway accounts were annually made up to the 31st of December, and the meetings of the companies took place about the 15th of February. Now, between those periods it might be competent for the auditors of an individual railway company to go through the transactions of that company, and to make such a statement as should satisfy the shareholders; but he held it to be totally impracticable for any three gentlemen to whom they could submit the task, between the 31st of December and the 15th of February, to go through an examination of and regularly audit the accounts of no less than 183 railway companies. But what were they, in the meantime, to do as to the half-yearly dividends? To audit all the accounts would take at least six months. In what order, then, and according to what arrangement, were the auditors to proceed to settle the affairs of the different companies? Those which were longest postponed would have reasonable grounds of complaint. But were they, or were any of them, to wait for the declaration and distribution of the dividend until their accounts had been audited? If such were intended, not only would there be an undue postponement of the dividend, but to the auditor would virtually be left the task of fixing the amount of that dividend. Well, but what would be the case, supposing the opposite alternative to be adopted? Suppose, after the shareholders had received 6 per cent, the audit proved that they ought only to have received 4 per cent. The inference at once was, that the audit would be ineffectual in checking approaching mischief, however effectually it might expose that mischief after it had been committed. These were some of the objections of the deputation to a general audit; but that deputation was not averse to a *bond fide* substantial audit, which would give them a due statement of their

affairs. He admitted that a measure upon the subject had been too long postponed; and that with the closing of the capital accounts, one of the principal temptations to railway mismanagement was disappearing. Still a great many shareholders and directors had been proved to be very careless, and a good many directors to be very corrupt. The shareholders had, indeed, as a body, been careless as regarded everything excepting the amount of the dividend which they were to receive. But those days were gone by; the current was now setting the other way, and the danger seemed to be that of shareholders placing too little rather than too much confidence in their directors. They would not look upon a director as an honest man, but would be inclined to set him down at once as a rogue; and the falling dividend would quicken the shortsightedness of the shareholders. The Bill before them, therefore, came at a period when it was much less requisite than formerly, but still he thought that their Lordships would not consider that all necessity for such a measure had ceased. The desire of the shareholders was, that while the Legislature compelled them to institute an effective audit, that audit should not be altogether taken out of their own hands, believing, as they did, that the audit of each railway should be left in the hands of the shareholders of that railway. He would therefore state the principal provisions of the Bill with which he had been entrusted, and to which he had already referred. It proposed, then, that the shareholders of all companies should, each for itself, select a committee of audit, such committee in the case of each railway to consist of five members; that the committee should be composed of persons possessing such an amount of qualification as would entitle them to become directors, but that the members should not be directors or office-holders of the railway, or even persons under the control of directors or office-holders; and that no director should, by his own vote or by proxies, have any voice in the appointment of the committee. The audit committee being thus constituted, it was proposed that it should recommend two or more auditors, and certify fourteen days before the general meeting the names of the persons so recommended, and that no directors or office-holders whatever should have any vote whatever with regard to the nomination of those auditors so recommended by the committee. The Bill went on to provide that the accounts

should be kept in a regular form, as specified in a schedule, and that the auditors, having very full and general powers for the examination of all papers and transactions, should certify to the directors if they found anything irregular and objectionable. If the directors took no notice of such information, then it was proposed that the auditors should have the power of reporting to the general body of shareholders the abuse or irregularity which they had discovered. It was also provided that each set of auditors should employ a public accountant—such accountant being wholly unconnected with the company—to assist in going through and auditing the accounts. It was further proposed, that the half-yearly report should be sent to every shareholder seven days before a meeting; and in order to protect the minority, it was provided that a minority of not less than twenty persons, holding not less than one-twentieth part of the paid-up capital, should have the power of appointing a special auditor—at their own expense—unless from the result of his investigation the majority should deem it desirable that the expense should be borne by the company. There was another proposition in the Bill not connected with the matter of audit, but regulating and controlling the functions and office of directors. It was proposed that at the period of the directors retiring, only one of the retiring directors should be eligible for re-election, and that the directors should be prohibited absolutely, and at all meetings, from holding proxies at the expense of the company. Now, this was a very important check, giving the shareholders a fair and *bonâ fide* control over their property. Under the present practice, directors were allowed to bring down as many proxies as they might think fit, costing 2s. 6d. each, and consequently persons with twenty or thirty proxies each were able not only to control the proceedings of the meeting, but to put the company to very great expense. The Bill, therefore, as he had stated, abolished the system of directors holding proxies at the expense of the companies, unless in the case of a general meeting declaring that, for a special and particular purpose, proxies should be allowed to represent the opinions of shareholders. The Bill went on to provide that a register of shareholders should be made up monthly; that a list of all shareholders qualified for directors should be in the hands of the shareholders in general twenty-one days

before the time of meeting; and that the business to be transacted should be specified in the notice convening the meeting to which it referred. These were the principal provisions of the Bill which he had that day received from the deputation of which he had spoken. What he had undertaken to do was to state the objections which they entertained to the present measure, and to lay upon the table the scheme to which they were prepared to adhere. He trusted, therefore, that Government would not object to his introducing the Bill in question, with the view of having it printed and distributed; and, if his noble Friend pressed the second reading of his Bill this evening, that his doing so would not be considered as precluding the future consideration of the measure which he had now to lay upon the table of their Lordships.

LORD MONTEAGLE said, he much rejoiced to find that Her Majesty's Government had taken this subject into their own hands, admitting, as he fully did, that all the previous attempts at remedial legislation on this subject had left matters pretty nearly as they had previously been. It was undeniable that the necessity for an improved system of audit would diminish in proportion to the number of capital accounts which were in course of being closed up. But the noble Lord was more sanguine than he was about the closing up of capital accounts. If they were not to be so soon closed as people expected, and if companies came to Parliament for more capital, it would be as necessary as ever to have the aid of an effective audit; and nothing could be more evident than that, if an audit had been discontinued by reason of closing the capital account, if it were again resumed by the creation of new capital, in opening up the capital account again the two accounts of the earlier and the later capital should not be intelligibly united the one with the other. He was not prepared to give his approval to the measure of the Government, though he rejoiced that they had taken the subject up; at the same time his objections to the Bill were different from those of the noble Lord opposite. He hoped their Lordships would remember that in dealing with this matter they were dealing with a vast amount of property, an investment of not less than 200,000,000l. When he called to mind the property sunk in those undertakings, he could not help feeling strongly how unfortunate it was

that the public had been left to the present time without any good system of audit; it was a state of affairs seriously injurious to the interests of the country, as well as injurious to the shareholders—most injurious likewise to the commercial character of the country, both at home and abroad: such misapplication of powers, such betrayal of trusts, such utter disregard of law and of everything like justice and equity, had inflicted, in his opinion, a greater blow on the commercial character of England than any which it had sustained since the time of the South Sea Bubble. It had led to an extent of gambling in this country of which scarcely any parallel could be found; and he feared that from this moral responsibility Parliament was not altogether free, for Parliament had developed, if it did not directly encourage, the reckless speculation of which they had heard so many and such just complaints. But, bad as all this was, something worse remained which the country might still be fated to endure. As a necessary consequence springing from wild gambling, the uncertainty left on men's minds was such that no one could trust railway accounts. At the present moment no one felt any confidence that dividends, when paid, were paid out of profits; they had no security that such dividends were paid out of profits or paid out of capital. They might have confidence in the character of the directors; they might rely upon the personal integrity of more than one individual who held a seat at the board of direction; but in the system itself they had no confidence whatever. And this was but just, for it deserved no confidence. He would take the instance of the Caledonian Railway among other railways that might be mentioned, and in which it would be found that a great portion of their funds had been applied to purposes for which, by the Acts constituting those companies, the capital had never been intended. When he found in the direction of a railway like that he had specified, the names of such men as Mr. Hope Johnstone and his right hon. Friend the Secretary at War, he could not for a moment doubt the personal integrity of the gentlemen concerned in managing that undertaking. It was not of the men, but of the system, of which he complained. It was the system that was in fault, and it was the system which required alteration. But if Parliament could be induced by the Government to substitute for the present,

a system which, giving a delusive protection, fails in providing any real security for the shareholders, they would only make matters infinitely worse than they were at present. He would rather have the present suspicion left upon the minds of the shareholders, resting as it did upon reasonable grounds, and tending possibly to make them watchful, than have a false confidence infused into them, resting upon grounds wholly unsubstantial. This, too, would be discreditable to Parliament; for if the House enacted a system of ineffectual audit, they would lead all the persons interested in railway companies into a worse position than even that which they now occupied. This, he apprehended, would be the consequence of the Government Bill in its present form. Founded as it was on audit confided exclusively to the railway interest, he feared that the present measure would not give an adequate security for the fidelity of the accounts. The fidelity of the accounts was an object of paramount importance, inasmuch as melancholy experience had proved the temptation to falsify them was amongst the highest that could be offered to any body of men brought together as the members of some railway companies too generally were. His expectations were not unreasonable. What was wanted was, to have the accounts rendered truly and sincerely. The check to be at all useful, should be sufficient and absolute, above all, it should be independent; to show how necessary it was that an amply-sufficient check should be granted, he would mention the case of a northern railway, the accounts of which were audited by a gentleman, a public accountant, wholly unconnected with the company, and whose report under all the circumstances should have been considered altogether unimpeachable. Yet how was it disposed of by the company? At the regular meeting of the shareholders, the chairman of the company, holding up the auditor's account in his hand, said to the meeting, "Here is the auditor's account, and I am ready to put a motion for its adoption to the meeting if you think fit; but I think it right to tell you, that if this report be read and adopted, your dividends will fall." That settled the question at once. The account was instantly rejected. The effect was as magical as the cry of "Open Sesame!" The dividend was considered the grand point which must not be touched. And for that reason he (Lord Monteagle) thought that too much reliance was placed by his



noble Friend (Lord Granville) upon the shareholders, when he selected them as the exclusive persons to elect auditors. The fact was, that shareholders could not be depended upon like persons possessing property of a more fixed and permanent character. They had a greater interest in the present exchangeable value of their shares than in the future substantial value of the railway property itself. From facts well known to the greater number of the noble Lords then present, it was but too clear that railway companies were not always adequate to the task of performing the duties which they owed to themselves and the public, and therefore the Legislature and the Government ought to assist them in doing that which they evidently were unable to do for themselves. His noble Friend (Earl Granville) had said that his first impression had been that he ought to give the Government a little more authority in the affair than was accorded to them by the present Bill. In this he (Lord Monteagle) agreed. He thought that the Government had not authority enough conferred upon it under the Bill as printed. Some independent referable department ought to have, at least, the power of appointing one out of the three auditors, in order that the public might have the security of the vigilant supervision of one independent eye, and the consequent certainty that the truth would be disclosed. In the proposition of a Bill which had been laid before them by the noble Lord opposite (Lord Stanley), though no attempt was made to meet this fundamental objection, there were many points which deserved much consideration: of these, certainly the abolition of the present system of using proxies was one of the most urgent. The uses that had been made of proxies constituted one of the most flagrant abuses of the whole system; it too frequently overthrew the legitimate power of the shareholders. He would just mention a case that had been stated in the Committee upstairs. There existed a combined interest in what might be called an English and Irish railway; the English branch was the South Wales Railway Company; the Irish was the Waterford, Wexford, and Dublin Railway Company. In the hands of the South Wales Company it was stated that there were shares of the other association to the number of 11,000; but that they were held upon a distinct agreement that the South Wales Company were not to be obliged to pay

any further calls upon those shares. He had often heard of sleeping partners, but he never before heard of a case in which men were to participate in the dividends without contributing to the capital. Still when there was occasion to vote, out came those 11,000 shares. They slept whilst there was anything to pay, but were called into most mischievous activity when there was occasion to vote. This alleged abuse was one that required a remedy. To return, however, to the subject of the audit—if they did wish for a really efficient audit, Parliament must, however unwilling the Government might be, insist on the appointment of one auditor in three by the Crown. Without something like that, every attempt to constitute an audit would prove a delusion. Under any auditors he would object to the clause which only proposed to give the new auditors the same powers as those possessed by the old. The old auditors had no power of taking cognisance of the scheme of account upon which the dividends were declared. It could not be denied that this document was one of the most important of which the new auditors ought to have the examination. Another set of accounts which now escaped audit were the legal and parliamentary expenses. An excellent suggestion had been made regarding them in the Bill proposed, in the Bill introduced by himself and passed in the last Session, to enforce taxation of costs, which provided that not more than 50 per cent of the amount of such bills of costs should be paid before the bills were taxed. The necessity of bringing the whole of those items under the control of the auditors, would appear when he reminded the House that it was calculated that the enormous sum of 10,000,000*l.* had been expended in parliamentary and legal costs for railways within a very few years. These accounts most certainly required rigorous taxation as well as an audit, not merely to prevent more money being paid than was justly due, but in order to prevent the introduction of undue and indefensible expenses under those heads. Amongst the evidence laid before their Lordships last year, there was one case in which—something after the fashion of the Caledonian Railway—a sum of several hundred thousand pounds had been expended, contrary to law, in the purchase of the shares of other companies. He (Lord Monteagle) asked the witness from whom the information had been elicited, how the directors managed to place before the shareholders

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LORD STANLEY rose for the purpose of adding that there were two points in the Bill of which he had taken charge which he might as well mention. As the law stood, any director might continue in office, and direct the affairs of the company, and levy calls on the shareholders, notwithstanding that he had not paid up his own calls. By the proposed Bill, any director who was a defaulter in the payment of calls became *ipso facto* incapacitated from continuing in the direction. Again, if a director in any way misconducted himself, it was proposed that he might be removed by a resolution of a general meeting of the shareholders.

LORD COLCHESTER wished to know how far the auditors would have power to examine railway accounts? He referred particularly to those sums of money

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EARL GRANVILLE was understood to observe that the 6th Clause was sufficient to enable the auditors to make the inquiry suggested by the noble Lord who had just spoken. He thought it very essential that the public should be made aware that the contracts must be kept. He thanked the noble Lord opposite (Lord Stanley) for having stated the nature of the Bill he had introduced, and for the manner in which he had expressed his willingness to allow the second reading of the Bill before their Lordships, on the understanding that he (Earl Granville) would not press it through the House in any of its subsequent stages with unreasonable haste. Some of the objections of the noble Lord seemed to be founded on some little misconception. In the first place, as regarded the expenses of the audit, when Government fixed on the sum of 10,000*l.*, they did not mean to say that it would be fully sufficient, and was all that could be possibly required; they merely took it as the first sum to be paid up, and he had stated in a very distinct way that he believed the expenses might amount to 20,000*l.* As it appeared to him, there was a great difference in the principles of the measure proposed by Government, and that entrusted to the noble Lord opposite; one was a Bill for the audit of railway accounts within the company; the other was a Bill for the audit of railway accounts without the company. Those who would be delegated to inquire into the accounts under the plan suggested by Government, would be persons without any interest in the company's affairs, and not open to the objections which existed to the appointment of auditors by the shareholders. On the three members of the board would be concentrated the whole force of public opinion, and if they made the appointment of persons manifestly unfitted for their duties, they would be exposed to

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the weight of that opinion, and be obliged to retrace their steps. The delegates of the several companies would elect the three auditors, and the character and capacity of each of those officers would be examined more thoroughly by such a body, than they possibly could be if they were appointed by Government. If they were to be elected by 200 or 300 people, who felt that their numbers shielded them from all such responsibility, it was not likely that the same strict scrutiny would be made, or that the force of public opinion would have so much influence. As to the provision of the Bill to be introduced by the noble Lord, that the directors were not to have a vote in the election of delegates, he must say, he did not so much regard the power of the directors or the influence of their fifteen or twenty votes, as their indirect influence, which must necessarily be very considerable, with the great body of the company. Now, he thought that the directors would, by means of proxies and otherwise, still retain the whole of the indirect influence which they possessed, whilst they would be relieved from the responsibilities that would attend their open act. He assented to the principles of that Bill so far as they had been stated by the noble Lord. It would be found that auditors elected for one year would have a very strong idea that if they desired to have a chance of re-election, they should not make themselves too troublesome to the various companies. There was one great advantage in a permanent audit board, that they would derive increased facility for the despatch of business as they continued to sit, and that auditing the accounts of railways for one year would give them much useful knowledge towards the audit of the year after.

LORD STANLEY said, that they would not be eligible to be re-elected.

EARL GRANVILLE said, that that too would be a very objectionable rule, because it would do away with all the advantages of accumulated experience.

LORD STANLEY thought that the auditors to be appointed under the Bill would not get through the accounts of the different companies in sufficient time.

EARL GRANVILLE said, he thought that objection was sufficiently answered by the fact that six commissioners were found to be sufficient to get through the whole accounts of the country, so that he thought there would be no difficulty in the auditors *to be appointed under the Bill getting through their particular accounts in suf-*

ficient time, sooner, in fact, than they were now.

LORD BEAUMONT said, if his noble Friend intended this Bill to be referred to a Select Committee, and that the other Bill to be introduced to-morrow should be allowed to overtake it, so as to be referred to the same Committee, then he had no objection to its second reading. The necessity of an audit of railway accounts on which the public could implicitly rely, had been so clearly demonstrated by recent events that it was idle to dwell longer on it. But he objected both to the present Bill and to that shadowed out in the speech of the noble Lord (Lord Stanley), because neither of them went to secure a totally independent audit. He did not think there was much difference in principle between the two Bills, because both of them, though perhaps in an indirect and roundabout way, gave the appointment of the auditors to the company themselves. It was often the interest of both shareholders and directors that the true financial position of the company should be concealed from the public, and if the appointment of auditors was still dependent on the votes of the company, the public would not obtain a full insight into the money transactions of these great undertakings. Now, the principle which he was anxious to see carried out was one which would secure an audit totally independent of the companies; for he was satisfied that till that was done no trust could be placed in the returns made by those auditors. If the principle adopted in the Bill of his noble Friend were persevered in, he would come to the conclusion of his noble Friend opposite, that it would do more harm than good, because it would not secure a really sound audit, or a knowledge of the actual state of a company's affairs, and yet it would produce in the public mind a false confidence in the statements made by these companies, which would have a strong tendency to mislead. He was not anxious particularly for the good of the shareholders—he did not look to the interests of the directors—he looked to the interests of the public at large; he regarded these companies not in the light of ordinary companies who had obtained powers to carry out a scheme which was to be made profitable to themselves; he looked upon them as trustees who had undertaken to do certain acts for the benefit of the public, and that the public, as parties interested, had a right to see and know exactly how the

whole transactions were conducted. At present it was impossible, not only for the public, but even for the shareholders, to have any knowledge of the financial state of these companies. There were some railway companies with which he was connected, and he had whole drawers full of their balance-sheets, which really looked very plausible; but all he knew was, that there were no dividends, and that the capital account had been expended. Mind, in each of these railway companies they had audits, and yet this was the result, and therefore he said that unless the audit was totally independent, it was worse than nothing at all. He concluded by asking his noble Friend if he would allow the other Bill to overtake the present one, so that both might be referred to the same Select Committee?

EARL GRANVILLE thought he had stated enough when he undertook not to hurry the Bill through the House, so as to give perfect time for their Lordships to judge of the provisions of the noble Lord's Bill. With regard to the proposition for referring the Bill to a Select Committee, he was quite sensible of the great advantages they would derive from the services of noble Lords and Gentlemen acquainted with railway affairs in such a Committee, but should like to have time to consider it. The Bill of last year had been lost, owing to the delay which had occurred before a Select Committee, and a similar delay, arising out of the number of witnesses to be examined, and other causes, might hazard the passing of this Bill also. On the whole, he was of opinion it would be advisable to send the Bill to a Committee, but wished for a day before he decided.

Resolved in the *Affirmative*.

Bill read 2<sup>a</sup>.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Monday, March 11, 1850.*

MINUTES.] PUBLIC BILLS.—1<sup>o</sup> Fees (Court of Common Pleas); Chief Justices' Salaries; Consolidated Fund (8,000,000*l.*); Court of Session (Scotland).

3<sup>o</sup> Registrar of Metropolitan Public Carriages.

### THE CEYLON COMMITTEE.

MR. S. WORTLEY said, he was anxious to call the attention of the House and the public to a matter of considerable importance as related to the privileges of that House, and to the conduct of inquiries before its Committees. He had the honour,

or the misfortune, as the case might be, to be a Member of the Ceylon Committee, which was a select one; and he believed the ordinary rule was that the proceedings of Select Committees should be conducted with closed doors. The Ceylon Committee had had referred to it questions of importance, involving personal charges against high functionaries in that colony; and the Committee, in order to make their inquiries as public and as satisfactory as possible, had up to this time allowed the proceedings to be carried on in public, admitting the public to the Committee rooms. Unfortunately, however, this liberty had been abused, and he had the pain of observing in some of the public prints accounts, purporting to be the substance of the evidence taken before this Committee, at a period when the evidence was extremely incomplete, and even in the midst of the examination of one particular witness, and which accounts happened not only to be incorrect, but were extremely partial, and calculated to do great injury to those who were now under charge, and prevent the course of justice. Under these circumstances, he was anxious to ask his hon. Friend the Member for Inverness-shire, as chairman of that Committee, if he felt at liberty to state whether any steps were to be taken by the Committee, to prevent the recurrence of irregularities of the nature he had described?

MR. BAILLIE, in answer to the question of his right hon. Friend, regretted to state that certain portions of the evidence—indeed, he might say, as his hon. Friend had done, very partial reports of the evidence—taken before the Ceylon Committee had appeared in some of the public papers, and the Committee were certainly of opinion that incomplete portions of evidence, selected perhaps by parties who might have a peculiar bias, were calculated to prejudice the ends of justice; and therefore, very unwillingly, they did come to a resolution that day that the proceedings in future should be taken with closed doors, and he thought the Committee perfectly justified in adopting that resolution.

### EASTER HOLIDAYS ADJOURNMENT.

LORD R. GROSVENOR rose to put a question to the noble Lord at the head of the Government—whether he would move the adjournment of the House so as to include Passion week in the Easter recess? He said he should not have ventured to make the proposition, had it not been re-

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quested to do so by many Members of the House, and encouraged, after mentioning the object to Mr. Speaker and the leading Members of all parties, by their almost unanimous acquiescence. The reasons which influenced those on whose behalf he was speaking and himself were an anxious wish, if compatible with the interests of the State, to have the week immediately preceding Easter week as free as possible from the turmoil of Parliamentary business. He was quite aware that there were many persons of unquestioned piety and the strongest religious feeling who not only did not think it necessary to set apart any special seasons for public and private devotion, but who might regard such observances with dislike; and there were many Members of Parliament who participated in these opinions; and he felt sure that, rejoicing in their own liberty, it would be a matter of gratification to them to see the business of Parliament so conducted as not to inflict pain and discomfort upon those sitting upon the same bench and engaged in the same arduous duties as themselves. Hon. Members would doubtless be desirous of knowing what their previous practice had been. He had, in consulting the journals, found that for the last 20 years the longest Easter vacation had been 22, the shortest, 9 days; the average 14. The House would observe that the shortest would have included the whole of Passion week. But should the House be of opinion that it would conduce to the despatch of public business and to the convenience of Members, especially those from a distance, that a greater certainty should prevail as to the commencement and termination of the Easter recess, and should also consider that we could annually afford the 14 days, which had been the average of the last 20 years; then, as these 14 days had always included 10 working days, by adjourning on the Friday, the 14 would become 16, three Saturdays and Sundays being included (instead of only two, as heretofore) without the sacrifice of a single additional working day. If the exigencies of the country required it, the Government might take the Friday, or the Thursday and Friday in Easter week. But, let the House observe, that by adjourning on the Friday previous to Passion week, they would always secure the greatest practicable amount of private convenience with the smallest possible sacrifice of public business. Those who had had as much Parliamentary experience as himself would,

he thought, agree with him that the present method of proceeding was unsatisfactory. No one knew what to fix for that particular week, because, for some time, he did not know when Parliament would rise, and no one liked to risk a Motion of any importance at a time when, for one reason or another, so many Members would be absent. Sometimes, when Parliament had sat on the Wednesday, there had been no House on the Tuesday; at other times there had been no House on the day of meeting again; in short, it was the conviction of many besides himself, that by their present practice they lost more time than they gained, and, at all events, business was transacted in a slovenly manner. He believed this year it would not be possible to adjourn till Monday, the 25th; but as, until to-morrow, no notices would be given for the Tuesday in Passion week, and as he thought no one would like to risk a Motion of importance for the chance of a House on that day, he did not see why the adjournment might not take place on Monday. He therefore made this request as a matter of feeling on behalf of many Members of the House and many persons out of the House, who depended in their business upon the movements of Parliament. He asked it for the comfort and convenience of the Irish and Scotch Members, and for the more regular and satisfactory discharge of public business. He did not expect his noble Friend to be able to predict how long his tenure of office would be, nor what the future exigencies of the country; but he begged him to endeavour in future years so to arrange public business as to enable the House to adjourn as a matter of course on the Friday before Passion week; not to meet again, at the earliest, till after Easter Tuesday, and, if possible, to give them a holyday during the ten working days which upon an average of the last 20 years the House had been accustomed to enjoy.

LORD J. RUSSELL said, it was usual to adjourn for the Easter recess on the Wednesday or Thursday of Passion week; but, in the present year, he proposed that they should adjourn on the Tuesday of Passion week to Monday, the 8th of April. He had already stated the proposal which he meant to make to the House; but his noble Friend asked him to propose the adjournment from the Friday preceding, in order to include Passion week. He could only say that on the present occasion such a course would be exceedingly inconvenient

as regarded the public business, as they proposed to bring forward the financial statement much earlier than was usually done, and therefore the estimates and some other public business would necessarily not come on upon the days on which otherwise they would have been taken up. He would therefore adhere to the arrangement he had already stated, that they should adjourn on the Tuesday of Passion week. That was one day earlier than usual, and two days earlier than had been the case on many occasions. If in future it was proposed that the Easter recess should include Passion week, in the way suggested by the noble Lord, that proposal would of course be considered by the Government on its own grounds; but for the present year he could not propose the adjournment earlier than he had stated.

#### THE NATIONAL GALLERY.

MR. OGLE rose to ask the First Lord of the Treasury whether it was the intention of the trustees of the National Gallery to persevere in cleaning the pictures of the old masters; and also, whether they contemplated removing the pictures of the Royal Academicians from that part of the building now appropriated to them?

LORD J. RUSSELL replied, that he found on inquiry that no pictures had been ordered to be cleaned during the last two years. At the same time it was right to say that the trustees were satisfied with what had already been done, and were not of opinion that any injury had been done to the pictures by cleaning. With respect to the hon. Gentleman's further question, no arrangement had been finally made with regard to the National Gallery. It was a question at present under the consideration of the Government, whether in some way greater room might not be provided for the pictures recently given by individuals to the institution, and especially for the Vernon collection. But it was not now in contemplation to remove the pictures exhibited in the Royal Academy from their present position.

#### AFFAIRS OF GREECE.

MR. SMYTHE wished to ask the noble Lord the Secretary for Foreign Affairs whether a document which had been published in the public journals, and which purported to be a despatch from Count Nesselrode to Baron Brunow, was genuine in its substance, and authentic in its description?

VISCOUNT PALMERSTON: A despatch to the same effect (together with another despatch) from Count Nesselrode to Baron Brunow, was communicated to Her Majesty's Government not many days ago by Baron Brunow.

MR. SMYTHE: Perhaps the noble Lord would also say, as it is important and necessary to have complete information on the subject, whether he would have any objection to lay on the table of the House not only those two particular despatches to which he refers, but any other notes that may have been addressed by those Powers to the noble Lord, and which may immediately or directly have been provoked by the last untoward event?

VISCOUNT PALMERSTON: I am preparing the communications to lay before Parliament as soon as the time for doing so shall arrive. They will be a continuation of those documents which have already appeared before Parliament. I thought it right, in submitting to Parliament these papers, to stop at the moment when instructions were given to commence reprisals. The instructions given to the Minister at Athens will be laid before Parliament at no distant period.

MR. E. DENISON: My noble Friend the Secretary for Foreign Affairs has said that certain papers connected with the affairs of Greece will be laid on the table of the House at the proper time. I wish to ask my noble Friend whether he means to say that a certain necessary time is requisite for the preparation of those papers, or whether there are any events now in course of proceeding which must be brought to a close before the proper time will arrive for those papers to be laid on the table of the House?

VISCOUNT PALMERSTON: My hon. Friend knows that the usual course is not to lay before Parliament papers connected with negotiations still going on and pending, as it is obvious that much inconvenience would arise from that. The present state of the matter is, that the French Government has offered its good offices with a view to the settlement of the question between England and Greece, and that negotiation I can hardly say is going on, because we have no account so late as the arrival of the French negotiator at Athens. Until that negotiation is brought to a point, my hon. Friend and the House must feel that laying statements on the table from day to day regarding those transactions would not conduce to the in-



terest of the public, or give to the House any information on which it could form a distinct opinion.

#### SUPPLY—ARMY ESTIMATES.

The House went into Committee of Supply.

On the first vote being read, namely, that 99,128 men should be voted for the ensuing year,

MR. FOX MAULE said, he was sorry that the vote now put into the Chairman's hand had not been agreed to on Friday night; for the consequence was, that he should have to make a more detailed statement than he would otherwise have inflicted on the Committee. He was sure, however, that his hon. Friend the Member for Montrose felt that, in opposing the vote on Friday, he had no other alternative but to adopt the course he had taken. He now begged to call the attention of the Committee not only to this vote, but also to the general state of the Army; and he asked their attention to that explanation, which it was usual for a person in his position to give them annually, with reference both to the strength of, and expenditure for, the Army. He had put into the Chairman's hands the vote with reference to the number of men, and it would be perceived from the Army Estimates that the number to be voted for the service of this year was 99,128; the number voted for the service of the current year was 103,154, showing a decrease in the ensuing year of 4,126 of all ranks, namely, of 128 officers, 308 non-commissioned officers, and the remaining number of privates. Out of that force of 99,128 which was proposed to be voted, 59,398 men were on home service, and 39,730 were upon colonial service. Of the troops on colonial service 9,688 belonged to colonial corps, and therefore there were 30,042 men of the line liable to be relieved periodically in different parts of the world. Let them, then, look to the 59,398 men they had at home, and after deducting from them the cavalry and household troops, to the extent of 6,000, and deducting also the numbers of the Guards, essentially a corps for home service, they would have, to relieve those 39,730 men serving in the colonies, 45,540 stationed at home; and he thought the Committee would admit, on viewing the matter in that point of view, that the vote called for was not *excessive*. With regard to this number *they were told the other night that the*

number of men they maintained in the Army was more than was required, not only in point of number, but also in point of charge. The hon. Gentleman the Member for the West Riding said that he would propose to reduce the charge in the estimates to the extent of 5,823,000*l.* Now, taking one-third of that to be effected upon the Army—namely, a charge of 1,941,000*l.*, he (Mr. F. Maule) presumed that his hon. Friend would not interfere in this reduction with the non-effective branch of the Army. That was a service which had been carefully investigated from time to time; it was one which appeared to him to be a necessary burden on the public, and which it would be impossible to reduce otherwise than by carefully watching and effecting reductions as vacancies occurred. Therefore, it appeared to him that the reduction could not apply to the non-effective branch of the service. Then let them see how the effective branch of the service stood. They proposed to have 99,128 men, at a charge of 3,936,582*l.* Let them take with that the sum which he calculated was proposed to be reduced by his hon. Friend—namely, a sum of 1,941,000*l.*, and there would remain a sum for the effective service of the Army of 1,995,582*l.*; and he asked what force would that maintain? He would turn to the year 1835—the year to which his hon. Friend had so pointedly alluded. He (Mr. F. Maule) found, from the calculation made in 1835, that over the whole Army, taking in all the charges of the land force, and calculating that by the number of rank and file in the Army, the charge per man was 42*l.* 15*s.* 11*d.* Now, if they divided that 1,995,582*l.* by 40—taking the expense of each at 40*l.* per man—it would maintain an army for service in the colonies, and for reliefs for the colonies, and for the maintenance of the service at home, to say nothing of the dignity and honour of the country, of 50,000 men. That, he apprehended, was a number so infinitely below the standard of his hon. Friend in 1835, when they had 81,000 men, that he must at least have recourse to some other calculation before he could take from the effective branch of the army expenditure so large a sum. His hon. Friend went on to say that the Army since 1835 had been increased from time to time, and that all those additions had been studiously maintained, and that they had never gone back in their steps. It was quite true that from 1835 there were repeated

additions to the strength of their Army both at home and abroad. He found in 1835 the Army did not exceed 81,271 men; but in the year 1838 disturbances arose in Canada, an insurrection of a very formidable nature took place, and the Army was immediately increased to 89,305 men. It was increased in the following year to 93,000 men, and in the year 1840 certain colonial corps were raised, and not only with the sanction of the House, but on the urgent representation of Members of the House, that the service in the colonies would be performed far more economically by a certain force of colonial corps—the number then amounted to 95,628. In the year 1842 troops were required for emergencies that had arisen in India and China, and the Army was increased to 101,455. In the year 1846, the Government of the country came down to the House with a supplementary estimate, which was cordially approved of by the House, and the force was then augmented to 108,608 men. In 1849 the number was raised still further to 113,847, which was the highest number; and that occurred in this way—several regiments were sent home from the Indian establishment after the general actions on the Sutlej, under the opinion that India was to see no more war. The very next year a similar number of regiments was required for India; and had those to which he had just referred been dismissed immediately on their return, as the hon. Gentleman would have them do, the consequence would have been that the expense would have been doubled. That must show the hon. Gentleman the Member for the West Riding, that it would not be the wisest or most economical course to adopt, at the moment they had some additional men to reduce them, without waiting for some time. Then they came to a turning point, and the amount was reduced last year from 113,847 to 103,254, and this year the number was to be reduced from 103,254 to 99,128. That, he admitted, was still an increase on the force of 1835, amounting to 17,857 men; but taking into consideration all the duties that had been added since 1835, he felt they were fully justified in keeping up the increased force they at present maintained. It had been said by the hon. Gentleman the Member for the West Riding, that if their colonies were to have the power of self-control and government, it was but fair those colonies should maintain the force they sent out, as he said, in the form of a military police; but as he (Mr. F.

Maule) maintained, in the form of a military protection. That was a policy not entirely unknown to the Government. So far as barracks went, and finding lodgings for troops, the noble Earl the Colonial Secretary had called upon the local Government of Canada to find barrack accommodations at Montreal, and the noble Earl had also called upon the local Government of Australia to maintain barrack establishments and lodgings for the troops in that colony. That was one step in the direction which his hon. Friend referred to; and he was by no means prepared to say, that as the colonies increased in wealth and importance, and as they required a body of troops from this country to protect their interest, they should not contribute, as some did at present—the Ionian Isles—for the protection the mother country afforded to them. He was quite prepared to maintain that there was scarcely one of their colonies in that position that they could be thrown on their own military resources, and it was the bounden duty of the mother country to maintain troops in those colonies for their protection. It would appear that it was the opinion of the hon. Member for the West Riding that there were too many officers kept up in the Army. His (Mr. F. Maule's) experience lead him to a very different conclusion. His experience had always been that the officers of the British Army were the worst paid, and the hardest working class of public servants, he knew of. He asked them to look to the pay of the officers of a regiment, and, in the first place, to look to the pay of a lieutenant-colonel. He would treat it in a mercantile way, so that it might be perfectly plain to the understandings of mercantile men. The lieutenant-colonel, to arrive at that rank in the Army, paid 4,540*l.* for his commission, and his pay for commanding a regiment was 365*l.* If they deducted from the price of his commission the interest, at five per cent, which was but a fair deduction, amounting to 220*l.*, and 20*l.* for regimental expenses, which he had no alternative but to incur, and deduct the income tax—11*l.*—on his pay, it would, in all, amount to 258*l.*, leaving a sum of 107*l.* as the pay of a lieutenant-colonel for the duty he undertakes. A major, taking all similar deductions, received 93*l.* 15*s.*; a captain rather more—108*l.*; a lieutenant 85*l.*; and an ensign 73*l.* 5*s.* 10*d.* per annum. Yet these were the men whose organisation was said to be so extravagant. Then, so far from the Army being kept up

for the aristocracy in this country, the aristocracy held but a very small portion of the commissions. In all the increase that took place since 1835, under successive Governments, care had been taken to increase the officers in very small proportions indeed as compared with the men. The increase of officers as compared with the men gave one officer to 152 men. But the reduction of officers was quite another thing. When they reduced the men they reduced them generally, without any great burden being placed upon the public; but if they reduced officers to any extent, they would have to begin, in the first instance, by placing a permanent burden on the public. And in the next place, they would destroy the efficiency of the public service; for their object always should be to keep up such an establishment of officers as should enable them, at the shortest possible notice, to raise a large number of men, and make them efficient for the public service. If they departed from that system, they would find it more costly than pursuing their present course. One more remark with regard to the cavalry regiments. He admitted that what had been said with regard to the cavalry regiments was perfectly correct. It was perfectly true that the cavalry regiments had more officers, in proportion to the men, than the service actually required; but those who knew anything of the cavalry service must recollect that some years ago they were reduced to nearly skeleton regiments, which were capable of being increased whenever an emergency required it. And if a cavalry regiment was called to the field, as was some time ago the case at the Cape of Good Hope, its numbers would be increased, but without any increase of officers; and all cavalry officers were clear upon the point that, to meet an emergency, they must have their officers well trained and disciplined. It was on that principle that cavalry regiments could alone be maintained; and he thought that the principle was very admissible. He had stated that we had but 45,000 men at home to supply reliefs to 39,000 serving in the colonies, and 30,000 serving in India—that is, they had but 45,000 to be ready at all times to supply reliefs for 69,000 men serving abroad, and his right hon. Friend the Member for Manchester had remarked that that Indian service had entailed an expense on the country beyond that stated in the Army estimates. *He stated that the East India Company paid the troops of the line that were employed in India, yet that they threw back*

*upon the pension-list and half-pay list a considerable burden. It was quite true that a burden of that description did arise for the number of men that served in the East Indies; but what was their per contra for that? The East India Company paid every year 60,000*l.* into the Treasury to meet that expenditure, and other expenditure for officers and men of the Queen's service employed in India. Another remark had been made with reference to the proportion of officers to men in the British service. On referring to that, he found that in the year 1835 the proportion of officers to men was 1 officer to 17 men; in the present year they had 1 officer to 20 men; but if his hon. Friend the Member for the West Riding turned to the army of a country which found great favour with his hon. Friend, the standing army of North America, which they might be sure was not maintained for the sake of an aristocracy, they would find in the small army of 17,000 men in the United States 775 officers, making 1 officer to 21 men. That was the argument he had to adduce to the House for maintaining the proposition he had laid before it, that 99,128 should constitute the number of men to be employed during the ensuing year. The necessity for having at home a sufficient number of men to relieve those abroad, was a strong ground for maintaining the force he had asked for; and if any one would refer to the speech of the right hon. Baronet the Member for Tamworth in 1843, they would find that the right hon. Gentleman had stated in stronger and better language than he (Mr. F. Maule) could use, "that they should so organise their force at home as not to expatriate for want of relief their force abroad." They had now arrived at a routine of ten years of colonial service, and if the House meant to retain that routine, they should give to the Government the means of maintaining a force for the purpose. In addition to that consideration, attention should be given to the times in which they lived; and consideration should be given to the position which this country held amidst other nations of the world. They should have this country in such a position with regard to its military force that it could not be subjected to wanton insult from other countries taking advantage of its defenceless situation. What was the strength of the army in France? It consisted of 430 128 men, besides the Gendarmerie, 23,756, and almost innumerable hosts of National Guards. The Prussian army*

consisted of 325,300 men, besides the Landwehr of the first and second class, which amounted to 450,000 men. The Austrian army consisted of no less, at this moment, than 352 generals, 2,084 staff officers, 16,545 officers, 49,673 non-commissioned officers, and 539,880 privates, making a total of 608,534. He did not say that this country was to run a race with the military establishments of other countries; but he would say that, considering the position this country held amongst the other nations of Europe, which were almost armed cap-à-pie, it would ill befit this country to maintain itself merely in a situation to give relief to its troops required on colonial service, without retaining some margin for the defence of its interests at home, and the maintenance of its dignity amongst the nations of Europe. He thought on this ground, with regard to the number of men, he had shown sufficient reason why the Committee should accede to the proposition of the Government, and grant in the present year 99,128 men. And now he would come to the charge for the present year; and in discussing that he would also follow it by a cursory and rapid view of the other votes in the estimates; and his reason for not entering more fully into those votes was simply this, that those estimates were now lying before the Committee upstairs, and that Committee was carefully engaged in investigating every item, and would report upon them to the House. Therefore, all he would do was to give to the Committee a cursory knowledge of each vote. The charge for the land force was, during the present year, 3,562,430*l.*; and the charge in the last estimates was 3,655,588*l.*; showing a decrease of 93,158*l.* upon this estimate. The cost for the staff in 1849, amounted to 173,376*l.*, and this year it amounted to 164,916*l.*, showing a reduction of 8,460*l.* He would call the attention of his hon. Friend, who complained that officers were not reduced in proportion to the men, that in the home service there were reduced on the staff two general officers, two aides-de-camp, five assistant-adjutants-general, two majors of brigade, and one fort-adjutant; and on foreign service one lieutenant-general and one major-general of a district. The charge for the public department was last year 94,199*l.*, this year 92,684*l.*; showing a decrease of 1,515*l.* The decrease on salaries would have been greater, as the reduction in the civil department on salaries was 2,217*l.*, and on account of postage

561*l.*; but in the military department there was an increase on salaries of 191*l.*, and on postage of 1,072*l.*, thus making the real saving 1,515*l.* The vote for the Military College was last year 17,408*l.*, and for this year 16,895*l.*, making a decrease of 513*l.* The vote for the Military Asylum and Hibernian School was last year 19,298*l.*, and this year 18,657*l.*, being a decrease of 641*l.* He should enter more fully into this vote by and by. He would only now observe that the decrease would have been greater but for some little additional expenses for building a house for the master of the Hibernian school. It was, however, a self-sustaining establishment. The next vote was for the volunteer corps of yeomanry cavalry, upon which there was an increase as compared with last year of 14,714*l.* This increase had been caused in consequence of its having been determined last year that the yeomanry should not be called out for permanent duty. It was, however, absolutely necessary, in order to insure the proper discipline of the corps, that they should have the opportunity during the present year of assembling for the purpose of drill. These items constituted the whole of the effective service of the Army, and as compared with last year, this branch showed a decrease of 89,573*l.* The next series of votes would be those on account of the non-effective service. The first vote would be that for distinguished military services, amounting to 15,112*l.* The sum voted last year under this head was about the same, being 15,120*l.*, a decrease of 8*l.* The old staff appointments were well considered some years ago, and certain of them were set apart as rewards for distinguished military services. The garrison appointments vacated during the last year were the surgeon of the Portsmouth garrison and the Governor of St. Maw's. The next item was the pay of general officers, amounting for the year 1850-51 to 58,000*l.*, the amount taken under the same vote in 1849-50 being 78,908*l.*, showing a decrease of 20,908*l.* In the vote of last year, however, there was included a sum of 13,908*l.*, for arrears of pay due to General Murray at the date of his death; the real decrease upon this head, therefore, for the year would be about 7,000*l.* The decrease in the number of officers on the list, as compared with 1849-50, was 17. As compared with 1835, there was a decrease upon the whole of this vote of 55,648*l.* The third vote was that of the retired full-pay, upon which, as



compared with the vote of 1835, there was a decrease of 23,000? The amount required for the present year was 54,500*l.*; in the year 1849-50 it was 56,000*l.*, being a decrease of 1,500*l.* The half-pay list, which was always a very formidable item in the estimates, showed a very fair proportionate decrease as compared with former years. The amount required for this year was 386,000*l.*; in 1849-50 it was 400,000*l.*; being a decrease of 14,000*l.* In the year 1835 the vote was 585,500*l.*, showing a decrease of 199,500*l.* since that year. The number of officers that had fallen off during the last year from this list was 234, the number placed on was 87. He might say that no one had been placed on the list who had not earned the reward by due length of service. The next vote to which he would call the attention of the Committee was one including the charge of half-pay and reduced allowances to officers of disbanded foreign corps, the amount required for the present year being 42,200*l.*, being a diminution in the estimate of 1,956*l.* as compared with 1849-50; and as compared with 1835-6, of not less than 35,880*l.* For widows' pensions, the amount required for the present year was 126,536*l.*; in the last year the same vote was 128,778*l.*; being a decrease of 2,242*l.* The number of widows who had been removed from the list during the year was 56; while two only had been placed upon it; showing a decrease of 54 as compared with 1849-50; and as compared with 1835, the reduction in the number had been to the extent of 692. The decrease from the year 1835 was 22,693*l.* For the Compassionate Fund, the sum required would be 91,000*l.*; in 1849-50 the amount was 95,500*l.*; being a decrease of 4,500*l.* Since 1835, there had been a decrease upon this vote of 68,000*l.* The charges for the in-pensioners of Chelsea and Kilmainham Hospitals showed an increase of 215*l.*, the amount required being for the ensuing year 35,756*l.* whereas in the last year it was 35,541*l.* There was a decrease in the charge for hospital expenses, but it was expected that in all probability there would be an increase in the claim for prize money, and a sum of 2,000*l.* was included in the estimates to meet that contingency. The charge for the out-pensioners, which was always the largest in the non-effective service, amounted in the last year to 1,224,052*l.*; the charge for the present year would be 1,233,711*l.*, showing an increase of 9,659*l.* *This increase was not for any increase in*

the number of pensioners upon the list—on the contrary, the number was reduced; but for several years past it had been the custom to calculate for the casualties and deaths a sum of 39,000*l.* This sum not representing accurately the amount of the casualties, had occasioned for several years past an excess of expenditure over the amount usually voted. In the ensuing year credit had only been taken for 20,000*l.* on account of casualties, instead of 39,000*l.* which alteration made an apparent increase in the amount required, as it was considered preferable to take a sufficient amount upon vote, rather than to show upon the balance-sheet an excess of expenditure over the amount voted. The decrease under this head since 1835 was 68,119*l.* The last vote for the non-effective service was for superannuations. Last year the vote was 38,000*l.*; this year it was 40,000*l.*, being an increase of 2,000*l.* This occurred by an increase to the Commander-in-chief's department of 400*l.*; to the War Office, 812*l.*; to the Adjutant General's department, 43*l.*; and to Chelsea Hospital, 975*l.*, making 2,230*l.*, from which was to be deducted a decrease in other departments of 230*l.* By a recapitulation of the votes for the non-effective service, there was shown to be a saving on the estimates of this year as compared with the last of 33,241*l.*; and upon the whole of the estimates for effective and non-effective services there was a saving of 122,814*l.* During the last few years many whose valuable services were acknowledged by all, and for whom the greatest respect was entertained, had found themselves compelled to retire upon their hardly-earned retiring pensions, some of whom were so completely worn out in the public service that within a very short period of their retirement they had died.

Before he quited this part of the subject he wished to answer the charge that when the Government had arrived at a large armament they were not disposed to go back again. In the 1848-49 the number of men voted for the effective service was 113,847, the gross charge was 4,356,750*l.*; in 1850-51 the number of men proposed to be voted was 99,128, and the gross charge was 3,936,582*l.*; the decrease in the effective service was 14,719, and the charge was 420,168*l.* In 1848-49 the non-effective service was 73,340, and the charge 2,164,085*l.* In 1850-51, the men were 71,529, and the charge 2,082,815*l.* The total decrease on the two services since 1848-49 was, men, 16,530; charge,

501,438*l.* But let him compare the army establishments as they were at present with what they were in 1835. In 1835 the charge for the Army and the Militia was 6,126,643*l.*; in the year 1850–51 the charge for the Army and Militia was 6,129,247*l.*, making an increase only on the army and militia services since 1835 of 2,604*l.* So that if 1835 were to be taken as a standard in point of charge, they were very much nearer to that estimate than the hon. Member for the West Riding appeared to be aware of. But although they so nearly approximated to the charge of that year, he did not mean to say that the Government were to remain stationary at that point, but would continue to make such further reductions as should be found consistent with the efficiency and dignity of the service, and would be prepared to carry out every reasonable and well-considered reform. There were one or two other points connected with the Army to which he should wish to call the attention of the Committee, as they tended greatly to the promotion of the discipline, the comfort, and the character of the Army. The first point to which he would allude was that of military imprisonment, which had placed upon the army establishments a considerable charge since 1835. The expenses of those committed to prison, he was, however, happy to state, had been more than covered by the sums deducted from their pay in the course of this year. He was also happy to state that a considerable improvement had taken place in the character and conduct of the Army, when measured by the numbers committed to military prisons. It was also satisfactory that the number of young men committed to military prisons from the ranks had been gradually decreasing for the last three years. In 1847, the number committed under 20 years of age was 1,126; in 1848, 981; and in 1849, 589. The number of men committed, of two years' service, was, in 1847, 1,656; in 1848, 1,590; and in 1849, 1,000. He felt confident that a continuance in the present mode of education would tend to produce a great decrease in the number of committals. There were many other items connected with this interesting subject, but he would allude only to one of them. But as the system of imprisonment now pursued by the Army had been much commented and animadverted upon, and misrepresented in many cases, he took this opportunity of stating that the alteration

had been sanctioned by military persons of high authority, and, as far as he himself had observed it, he considered that the system had worked well, and had had a very salutary effect upon the Army. Formerly when soldiers were committed to prison they were allowed to go to bed at a certain hour at night and to rise at a certain hour in the morning, thus giving them a constant succession of good nights' rest. It was suggested by the Inspector General of Prisons that, without at all injuring the health of the men, or interfering with the practice of their previous life, it would be a proper regulation to make that every other night the men should sleep actually in the same way as if they were on duty or guard. That regulation had been adopted, and the men who had suffered under it had made a firm resolution never to go back to prison again. Another point was with regard to the health of the Army. He held in his hand the latest return as to the mortality in the Army at home and abroad. The mortality at home was almost the same as in previous years, except the cases of cholera that occurred, and those he was happy to say were comparatively very few in the Army, as the epidemic did not fall upon the soldier with half the severity with which it visited the civilian. But, so far as the returns had been received from abroad, the improvement of the health of the Army, generally speaking, was very great. He found that the following was the ratio of mortality per 1,000 of the strength among the troops serving on foreign stations for the year ending March 31, 1849, compared with the average of the previous 10 years:—British Guiana, 1848–9, 142, average of previous 10 years, 97.9; Trinidad, 33.0, average as above, 102.9; Tobago, 98.6, compared to 75.9; Grenada, 12.3, compared to 43.4; St. Vincent's, 6.0, compared to 66.1; Barbadoes, 128.8, compared to 42.9; St. Lucia, 17.4, compared to 67.6; Dominica, 40.4, compared to 132.3; Antigua, 10.9, compared to 63.2; St. Kitt's, 19.4, compared to 105.6; Windward and Leeward combined, 68.4, compared to 67.6; Jamaica, 48.3, compared to 66.9; Gibraltar, 8.4, compared to 11.1; Malta, 30.1, compared to 15.1; Ionian Islands, 23.1, compared to 15.5; Bermuda, 8.4, compared to 27.2; Newfoundland, 10.3, compared to 9.1; Nova Scotia and New Brunswick, 19.7, compared to 13.0; Canada, 15.6, compared to 12.6; St. Helena, 8.4, compared to 15.4; Cape of Good Hope, 13.3.

compared to 12.9; the Mauritius, 14.6, compared to 24.3; Ceylon, 21.5, compared to 41.4; Madras, 22.4, average of 20 years 76.1; Bengal (the return from this place is for the year ending March 31, 1848), 61.3, compared to 75.7; Bombay, 26.6, compared to 62.5; New South Wales and New Zealand, 8.3, average of 10 years 14.0; Van Diemen's Land, 9.6, compared to 14.0. The establishment of the regimental schools in the Army, which had been commenced in 1846, had been productive of a great amount of good. From the last quarterly returns which had been sent in, there were in 21 schools not less than 2,289 non-commissioned officers and men. He firmly believed that were these schools more generally established, a better educated body of men could not be collected together than the non-commissioned officers and men of the British Army. He was also happy to inform the House that the same plan of education had been adopted with respect to the upper ranks of the Army. There was no part in which a soldier more narrowly watched his commanding officer than in that of intelligence, and if a man once thought that he knew more than his officer, he would lose that feeling of respect which it was necessary that every soldier should feel towards his officer. His Grace the Commander-in-chief had recently insisted upon all officers undergoing an examination before they entered the service; and he hoped soon to see the time when no officer would be promoted to the rank of captain without undergoing an examination before he attained to that position. He would only add, that he had been assured upon the highest authority that both with respect to officers and men, the Army was in a state of which this country might well boast; that it was prepared at all points to meet the enemy in the field; that it had shown every disposition at all times and upon all occasions to live at peace, in harmony, and good-fellowship with its fellow citizens in every part, not only of this country, but of the whole extent of the British empire.

MR. HUME said, that he most heartily concurred in the concluding portion of the speech of his right hon. Friend. He was happy to find that so much had been done to promote the discipline, the health, and education of the Army. He had heard from the present distinguished Commander-in-chief that the number of lashes given at one time should now be limited to 50, and it was a great satisfaction to have

heard him say that even that number might in time be reduced. He never said that the pay of the men or officers of the Army was too high. The only difference that existed between him and his right hon. Friend was as to the numbers of that Army. He believed that the manner in which the accounts were kept in his right hon. Friend's office might be a pattern to every office; and he was glad to hear the results which, from those accounts, his right hon. Friend had been able to lay before that House respecting the present state of the Army; and he said so because he had been told in former years, on both sides of the House, by officers of the highest rank, that British soldiers were not to be treated like other men, and that only the lash could keep them in order. Year after year that doctrine was supported, and he was regarded as a theorist for opposing it. It was true that care had been paid to the localities of the barracks, and that had tended to reduce the mortality amongst the troops. He was bound also to admit that great attention had been shown to the accommodation of the men in barracks. But still let the House consider the situation in which the country was placed in a financial point of view. The right hon. Baronet the Member for Tamworth would remember that in 1828, in consequence of the public outcry against the expenditure, he was obliged to nominate a Committee of Finance to consider our establishments, and effect a reduction in the various departments; but the searching inquiries they made were considered too great, and they were not allowed in the following year to finish the work they had begun. In that year the expenditure was 50,000,000*l.*; but he was sorry to say that since that time they had increased the expenditure, except during the last two years. He maintained, however, that there was no necessity for the increase during the intervening years. They had not yet heard the financial statement of the right hon. Gentleman the Chancellor of the Exchequer, but he thought he might take the expenditure for the present year, allowing for reductions, at between 50,000,000*l.* and 51,000,000*l.* If the House should decide that the number of men at present composing the Army should be continued, then they could not turn round and refuse to pass the Estimates. He held in his hand the report of the Committee, of which the late Sir Henry Parnell was chairman, in reference to the

Army and Navy question, and which report stated that—

“the Army and Navy were a great source of expenditure, and it was only by keeping them within a proper limit that a saving could be established. During a period of peace, the Committee should advert to the necessity of turning a time of tranquillity to the improvement of the revenue, to retrenchment, and economy; and they begged to impress such on the serious attention of the House.”

That Committee sat in 1819. Now, on former occasions he used to refer to the period of 1792; and he was then in a position to show that every Finance Committee that sat up to the period of 1828 had directed the attention of the House to the necessity of keeping a low establishment in view, in order to strengthen the credit of the country by improving its finances, and by being prepared, in case of necessity, with a full exchequer to supply the sinews of war; while, under the present system, they had been expending not only the amount of their revenue, but beyond the amount of their revenue. Within the last twelve years, they had added nearly 40,000,000*l.* to their debt. Here they were at present in a condition to benefit themselves, if they would only take a lesson from the Finance Committees that sat at various periods up to the present. The question he wished to ask was, did they require the number of men they were then about to take a vote for? He asserted they did not; and the right hon. Gentleman who preceded him had given no reason whatever to show that such a number should be voted. In 1835 and 1836, the number of men in the Army amounted to 80,000; but owing, as was said, to the rebellion in Canada, they increased in 1837 to 89,000; in 1838 they increased to 93,000; so that, owing to the rebellion in Canada, which was temporary, the Army was increased 13,000 men up to 1838. No man would say that at present Canada, with its state of government, required an increase of soldiery. His right hon. Friend the Secretary at War had stated that in 1840 colonial corps were raised, and he (Mr. Hume) was one of those who approved of such corps, because he saw in them the saving of transit of troops backwards and forwards. The noble Lord the Secretary of State for Foreign Affairs declared before a Committee that “two-thirds of the troops of Great Britain were retained for the purpose of relieving those abroad;” and therefore it was only reasonable to approve of colonial corps, as they

undoubtedly decreased the public expenditure. Now, he thought, by the showing of his right hon. Friend, that they were entitled to a reduction of the troops at home by reason of the colonial corps. But the case was far different; for in 1846, instead of a reduction, they had the troops increased to 108,000, instead of 80,000, in 1835; and what reason was adduced? Why, the state of the country. In the following year, 1847, the troops numbered 113,000; and in that year he took the sense of the House as to whether retrogression would not be the better policy; but the Government met him with the statement that “they wanted troops for India,” where at the time he believed there was war. Well, at present there was peace in India, and why were not these men reduced? He wished to know why recruiting should not be stopped for twelve months? He did not wish that efficient men should be discharged or disbanded; but, if they wished to make a reduction, they should discontinue recruiting. He wished next to come to the present period, and to ask why we should require an estimate for upwards of 99,000 men? He considered that his right hon. Friend had failed to make out a case in support of the estimates, and the House should, therefore, without hesitation, adopt the recommendations of all Finance Committees from 1828 upwards, and reduce the number of men. The question might be asked, would you reduce them altogether, or at various times? His answer was this:—Instead of 99,128, now sought to be voted, he would take 89,000; and the year following he would reduce the number to 80,000, which should be regarded as a fair and gradual reduction. In reference to the system of purchase which prevailed amongst the officers, he would wish to see that system done away with altogether. He was in favour of the system that promoted men from the ranks for merit and service, instead of making promotion a mercantile principle. A good deal had been said about “reliefs to India.” He would be sorry to see any regiment stationed more than ten years in India, though he had known regiments to be eighteen years in India; but he condemned that principle, as, in his opinion, it amounted to a banishment for life of their best officers. He thought he had shown that the revenues exacted from the people now were as heavy as in 1828, and also that the expenditure, which had been reduced to 44,000,000*l.*, at



present rose as high as 50,000,000*l.*, showing within the period an excess of some 6,000,000*l.* He would now come to the number of men. In 1834 they had 80,000 men, which number continued up to the Canadian rebellion, when they increased to 89,000 men, and in the next year to 93,000 men, and so on until they numbered 113,000. He contended there had been no circumstance to warrant such an increase in the country's expenditure, and that at present they were in a position to commence a reduction. If he spoke of economy, he was told that it was the old argument of pounds, shillings, and pence; but, after all, that was the real argument. The establishment which the Finance Committee of 1792 recommended was 45,242 for Great Britain, Ireland, and the colonies. He was not prepared to return to that number at present, but possibly they might come by and by to it, when the colonies were their own managers, and took upon themselves their own police. 30,000 men, or a large portion at least, might then be withdrawn from the colonies; and the time might come, though he might not be in that House to hear it, when they would be able to return to the old establishment of 1792, or very near it. They had heard no reason for maintaining a large army, except that France and Prussia were doing so; but when the First Commissioner of the Admiralty proposed to keep up a large fleet, because France was extending hers, he protested against that doctrine—and he did so now. We had paid a severe penalty in the shape of 600,000,000*l.* of debt for fighting the battles of the Continent; and if war should again arise, it might not be in the power of any House of Commons to adopt such a course again. And, on the other hand, instead of trusting to the maintenance of a large army to keep the peace of the country, let Parliament grant to the people the reforms he considered to be their right, and let the policy of this country rest on the contentment of the people, and not on force. But the right hon. Gentlemen who now sat on the Treasury benches seemed to have become Tories. There must be something infectious in the seats, for he could bring before the House speeches of the noble Lord at the head of the Government, telling the Tories in times past, year after year, not to trust to bayonets or large military establishments, but to depend on the fidelity of the people, and *their interest to maintain peace*; but the

noble Lord was now equally ready to maintain the contrary doctrine, and that large establishments must be kept up. He would advise hon. Gentlemen not to take the opinion of any Secretary at War or Prime Minister, but to judge for themselves of the circumstances of the country. In 1835 the cavalry was 10,880; in 1850 it is 12,850; of foot guards there were, in 1835, 4,782, in 1850 the number is 5,206; of infantry the number was 72,722, it is now 102,312, including those in India; and the colonial corps, which were in 1835, 5,590, are now 9,998—making an aggregate, therefore, of 100,990 in 1835, against 129,625 in 1850. He would contrast the amount of the Army in 1835 with that of the present time, by showing the manner in which it was distributed. The force for Great Britain in 1835 was 23,013, now it was 33,972; for Ireland, in 1835, it was 21,300; now it was 29,400; in the colonies, in 1835, it was 36,941; it was now 39,730; the total amount of our force for Great Britain, Ireland, and the colonies, in 1835, was 81,271, and at present it was 99,128, being an increase of 17,857. The force in India in 1835 was 14,720, and now it was 30,497, making the aggregate number of the Army 129,625. However, as India defrayed the expense of the troops stationed there, he would say nothing about them, but confine himself to the force maintained for Great Britain, Ireland, and the colonies, which, as he had showed, exceeded that which was sufficient for the same purpose in 1835 by no less than 17,857. This, however, was not the only increase to our armed force since 1835. In addition, there were 10,000 pensioners, and 10,000 labourers in the dockyards enrolled, whilst the English and Irish police had been augmented by about 10,000; in all, 30,000. To return to the increase of 17,857 men over the estimate of 1835, he proposed to reduce it this year by 10,000 men, and to reduce the remaining 7,857 next year. That would effect a saving of expenditure equal in amount to the malt tax and hop duty; and, as there was a surplus of 3,000,000*l.*, the House might repeal, in addition to those taxes, the taxes on windows and on "knowledge." Savings might also be made by consolidating regiments. The three regiments of horse guards, which numbered only 1,300 men, might very well be thrown into one, and the seventeen other cavalry regiments might be reduced to seven or eight. By such an amalgamation a con-

siderable saving would be made as regarded officers, barracks, clothing, and other matters. The infantry of the line, numbering 75,178 men, composed no fewer than 100 regiments; but if 1,000 men were apportioned to each regiment, as ought to be the case, an important saving would result. The Secretary at War had not clearly distinguished, in the statement which he had made, between the charges for the effective and non-effective service. In 1835, the charge for the non-effective service was 2,499,000*l.*; now it was 2,082,000*l.*, being a reduction of 417,000*l.* The right hon. Secretary ingeniously availed himself of this reduction to say that the gross charge for the Army and Militia was only 2,604*l.* more at present than it was in 1835. But it was the effective force with which the Committee had to deal, and that was augmented from 3,294,000*l.* in 1835, to 3,936,000*l.* now—an increase amounting to nearly twice as much as the saving made in the non-effective branch. It was of the unnecessarily large charge for the effective service that he and his friends complained, and called upon the Government to reduce it. He did not wish that one single soldier should be discharged; but that the reduction should be effected by a cessation of recruiting, by which means the saving was effected in the four years preceding 1835. Let not the Government think that they would cease to be pressed. The country Gentlemen would be down upon them harder next year than they were then, and it was impossible to afford all the relief required by the nation without a reduction of at least 10,000,000*l.* The force had been kept up at its present amount in order to keep down the people, and to deprive them of their rights. How heavily the burden pressed upon the community was illustrated by the fact, which he had recently ascertained by inquiry, that in the parish of Marylebone 600 distress warrants were out for the non-payment of rates, to say nothing of distresses for assessed taxes, of which he intended to move for a return embracing the whole of the country. Through the pressure of the rates, and of taxation, numbers of contributors to the support of the State had been converted into burdens on its resources. Were the reduction which he proposed effected, the force would still amount to more than it was in 1835, including the dock battalions, the pensioners, and the additional police. Let those who

complained of the income tax bear in mind that, if the Army and Navy had not been increased, that tax would never have been imposed. He pledged himself to struggle for a reduction of 10,000,000*l.*, as necessary both to prevent pauperism and crime, and to afford the people proper relief and enjoyment, and for each specific diminution he undertook to make out a sufficient case. The English people were an economical people. [*Laughter.*] He repeated that statement. That they were economical was proved by the fact that they had amassed so much capital; but at present the taxation pressed so heavily on them that they were deprived of the benefit of their economy, and it was on that ground that he asked for reduction. A gentleman named Norman, in the City, had published a pamphlet, the object of which was to show that the people of England were not heavily taxed as compared with those of other countries; but his object in referring to the work was not to combat its doctrine on this occasion, but only to point out an extraordinary misrepresentation that occurred in its second page. It was there stated that his (Mr. Hume's) friend, Mr. John Stuart Mill, maintained that taxation amounted only to this: that Government spent the money, which the people would have to spend if they had not paid the taxes. That was a misrepresentation of Mr. Mill's opinions. ["No!"] Yes, it was. Mr. Mill entertained an opinion the very reverse of that attributed to him. If the noble Lord at the head of the Government would consent to the Amendment, it would relieve him from some of the applications with which he was bothered at present. The Prime Minister must be wretched whilst in office, and he often wondered how any man would accept it. The more he had to give away the more he was pestered by applications, and therefore the noble Lord would get rid of some of his tormentors by assenting to the Amendment.

Motion made, and Question put—

"That a number of land forces, not exceeding 89,128 men (exclusive of the men employed in the territorial possessions of the East India Company), commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April, 1850, to the 31st day of March, 1851, inclusive."

MAJOR BLACKALL said, he could assure the hon. Gentleman that it was not because of his having been connected with the service that he should oppose the

**Amendment.** Having listened attentively to his address, he was of opinion that he had not made out his case. Was there any one of the colonies in which the number of reliefs could be reduced? He had taken the trouble of ascertaining what number of troops of the line were quartered in the different colonies. He found that in the whole of the American colonies there were but eleven regiments of the line. As each regiment had a depôt of about 200 men at home, the effective force was only 5,500 men; and, looking at the extent of country to be garrisoned, he thought it could hardly be said that that force was too large. In the West Indies there were seven regiments, or 3,500 men, scattered over the various islands. At the Cape of Good Hope there were five regiments, or 2,500 men. Considering the nature and extent of the frontier to be guarded, and remembering what had occurred within the last few years, he should like to know whether any hon. Member would propose to make a reduction. Were any troops withdrawn, he believed the colonists would soon call out for protection. In Ceylon there were two regiments of the line, or 1,000 men: at Mauritius the same number. In the whole of Australia, including New Zealand and Van Diemen's Land, there were only five regiments of the line, or 2,500 men. At Gibraltar, also, there were five regiments, or 2,500 men; a number which had always been considered requisite to hold it as a military post. At Malta there were two regiments, or 1,000 men; and the same number in China. Such was the disposition of the troops in the colonies; and after this enumeration, he must repeat his belief that the hon. Gentleman had made out no case for the reductions which had been proposed by him. The hon. Gentleman had made a charge against the Army which was hardly fair, namely, that it had been maintained in order to keep down a class. The conduct of the Army afforded a contradiction to that statement; and he must add, that whenever there had been an apprehension of danger in the manufacturing districts, the manufacturers had been the first to demand the aid of the military, and to grumble at their removal.

**SIR W. MOLESWORTH:** The hon. and gallant Gentleman has declared that my hon. Friend the Member for Montrose has not made out a case for the reduction which he proposes; and the right hon. Gentleman the Secretary of War stated that

the expense of the Army and the Militia at the present moment is very nearly the same as it was in 1835. Now there are two kinds of military expenditure—namely, effective and non-effective. The effective military expenditure is for services actually performing; the non-effective for services performed. The former is under the immediate and direct control of Parliament, and is in proportion to the force maintained, and increases or decreases with the number of men voted. The non-effective expenditure depends upon the number of men which have been employed in previous years, and therefore is removed from the direct and immediate control of Parliament. To judge, therefore, of the increase or retrenchment which has been made in the Army expenditure, the effective expenditure should be alone considered. In 1835 the number of men voted was 81,000, and the estimate for effective services was 3,334,000*l.*; in 1848, the number of men was 114,000, and the estimate 4,356,000*l.* This year the number of men is proposed to be 89,000, and the estimate for them 3,936,000*l.*—a decrease therefore as compared to 1848, of 15,000 men, and 420,000*l.*—an increase, as compared to 1835, of 18,000 men, and 592,000*l.* Now, ought the force of the Army to be reduced to the standard of 1835? That force should be divided into two parts, each requiring separate consideration. One part is employed in the foreign possessions of the Crown, the other part at home. With regard to the force at home, I shall say nothing at present. I am not, for many reasons, inclined to strip the centre of the empire of military force; and if we maintain a considerable force in the colonies, we ought to have a considerable force at home to relieve the troops in the colonies. The question, therefore, to which I shall confine myself is, whether there can and ought to be made a considerable reduction in our military force in the colonies. I would call the attention of the Committee to a return printed last year of the expenditure of Great Britain, on account of the colonies, for the year 1846-7. This return gives the expenditure for that year at 3,500,000*l.* But that sum did not include any indirect expenditure, nor the expenditure on account of the fleets maintained on the colonial stations, which last expenditure, I reckon at not less than 1,000,000*l.* a year. Therefore, in my opinion, the direct military, naval, and civil expenditure of Great Britain, on account of the colonies,

did not amount, in the years 1846-7, to much less than 4,500,000*l.* I will confine my observations to the military expenditure. According to this return the direct military expenditure of Great Britain on account of the colonies (including ordnance and commissariat expenditure) amounted to 3,000,000*l.* in 1846-7: all this expenditure was on account of the effective military force; and as in 1846-7 the whole expenditure of the empire on account of effective military force amounted to 6,600,000*l.*, it follows that 5-11ths of our effective military expenditure is on account of the colonies; and as in the long run the expenditure on account of non-effective must be in proportion to the effective force which had been previously employed, I am entitled to assert that 5-11ths of our whole military expenditure is on account of the colonies. Now, in the years 1846-7, the whole military expenditure, including ordnance and commissariat, amounted to 9,000,000*l.*, of which 4,000,000*l.* was required in consequence of the force we were maintaining, or had maintained, in the colonies. Therefore the question of the amount of military force to be kept in the colonies is a question with regard to 4,000,000*l.* of annual expenditure, consisting directly of 3,000,000*l.* expenditure for effective service, and indirectly of 1,000,000*l.* expenditure for non-effective services. It is evident, however, that it is only in the effective expenditure that any immediate reduction can be made. The question therefore is, do we want 41,000 troops in the colonies? If we do, we must pay for them, and we ought to keep an ample force at home to relieve them. We may make some economies here and there, save a few thousands; but I am inclined to think that the Army has been well managed, economically speaking; and I feel persuaded that we cannot reduce the cost of these troops under 4,000,000*l.* a year for effective and non-effective expenditure. To ascertain whether the military force in the colonies can be reduced, it is necessary to consider how it is distributed. I have only its distribution in 1848-9, which I will take in connexion with the expenditure for 1846-7. I am sorry that there is no return of the distribution and expenditure of our military force for the same year. Our troops are distributed through three different classes of colonies, namely, military stations, plantations or subjugated territories, and colonies, properly so called. With regard

to military stations, if the people of England pride themselves on such fortresses as Malta and Gibraltar; if they choose to have the Ionian Islands, and will display their wisdom by laying claim to Sapienza; if they have a mind for St. Helena, Hong-Kong, Labuan, and the Falkland Islands; if they will dot the world over with their troops—why, they must pay for so doing; they must not grudge 500,000*l.* a year for effective military expenditure in these places; for the follies of mankind are always the most expensive of their amusements. But I do grudge the expense of 2,500 troops in the Ionian Islands. Our military expenditure on account of these islands has amounted, on an average, to about 130,000*l.* a year, or about 4,500,000*l.* since the peace. Of that sum we have expended 456,000*l.* on military works. We commenced fortifications at Corfu, which were estimated to cost 152,000*l.*; they have cost already 356,000*l.*; they cannot be completed at less than 90,000*l.* more; and when completed at a cost of 450,000*l.*, they will be so extensive that, in the event of a war, it would not be expedient to keep a sufficient garrison to man them; therefore, in such an event, the wisest plan would be to withdraw our troops, and blow up the fortifications, and we could always reconquer them if there were no fortifications for less than the interest of the capital we have expended upon them since the peace. As military stations they are useless, and their government has not added to our fame in Europe. The hon. and gallant officer the Member for Longford stated that there were only 1,000 troops in Malta; the number was 2,891, including the Maltese for whom this country paid. Next, with regard to our military expenditure in our plantations and subjugated territories. In the West Indies the military force amounts to about 6,500 men, with an effective expenditure of 500,000*l.* a year. Is this expenditure necessary? In the Mauritius we keep 1,732 men, at a cost of about 90,000*l.* a year. Since 1828 we have expended 200,000*l.* on military works at the Mauritius, and lately we have commenced other new works, part of which is to cost another 200,000*l.* These works and troops are said to be required, because the Mauritius is an important military station, and the inhabitants hostile to our dominion, partly from their French origin, partly from Colonial Office misgovernment. There to defend us from foreign and from domestic



foes from without and from within, sea defences, and land defences, and garrisons are required. In Ceylon, there were not 1,500 men, as had been stated, but nearly 4,000 by the latest return. The hon. and gallant Officer argued that the number of troops had not been increased in those colonies. [Major BLACKALL : I said troops of the line.] There were 1,800 European troops in Ceylon. Ceylon affords a capital instance of the mismanagement, ignorance, and bigotry of the Colonial Office. Mismanagement and ignorance led to injudicious taxes, which occasioned fiscal riots, at the same time Colonial Office bigotry wounded the religious feelings of the natives. Superstition, and hatred of races, almost produced a revolution, which was suppressed, whether with excessive rigour or not I cannot pretend to say, as I am not a member of the Ceylon Committee. But this I am prepared to say, that the increased military expenditure of that colony has been caused by the misconduct of the Colonial Office. Lastly, with regard to our military expenditure on account of our colonies, properly so called, this is a question of principle. That with regard to our military stations and plantations was a question of expediency. I maintain on principle that our colonies, properly so called, in so far as they are integral portions of the empire, but do not contribute towards the general revenue of the empire, ought in ordinary times to defray all their own expenses; and if they want troops for local purposes, they ought to pay for them. At the same time, they are entitled to claim the complete management of their local affairs. I, therefore, maintain we ought only to keep troops in our real colonies for imperial purposes. I ask why we should keep nearly 9,000 troops in North America, at an expense of 650,000*l.* a year? If that force be intended to prevent annexation to the United States, it is ridiculously small. If we wish to prevent annexation we must give that colony the complete control over all its own affairs, and deprive the Colonial Office of its power of interfering in the local concerns of that colony, and if by those means we cannot succeed in retaining the affections of the colonists, and attaching them to the empire, be assured that results cannot be obtained by 9,000 armed men, even were we inclined to enforce a reluctant obedience at the point of the bayonet. A few troops for show more than use at Quebec and Halifax, would be

all that would be required for imperial purposes. Next, at the Cape of Good Hope the number of troops in 1848 was 5,000, and the expenditure in 1846–7 685,000*l.* This was the commencement of the Kafir war. Now I contend that wars with natives are local wars, which the colonies ought to pay for, and which then they would take good care not to get into. I do not quite agree with the noble Earl the Secretary of State for the Colonies, that because we have expended some millions on those local wars, we are entitled to send convicts to the Cape. But I argue, from the vigour and energy with which the colonists have resisted and defeated the noble Earl, that they are more than a match for a Kafir. Therefore I should propose to withdraw most of our troops from South Africa, and keep only for imperial purposes a few troops at Cape Town. Lastly, in the Australian colonies and New Zealand, the number of troops in 1848 was 4,500, costing in 1846–7 about 270,000; about 2,000 of those troops are distributed between Van Diemen's Land and New South Wales. In the former colony they are required on account of the convicts—therefore for imperial purposes. In New South Wales there ought to be no troops whatever, as I cannot conceive to what purposes they can be applied except for police, and the colonists ought with free institutions to pay for their own police. In New Zealand, according to the last account from Governor Grey, the military force in the northern island amounted to 2,948 men, nearly equal to the number (3,157) of adult male Europeans not military in that island. In fact, according to that authority, the number of military (1,798) in New Ulster exceeded by 298 men, the number (1,500) of adult male Europeans not military in that province. I believe, however, of this military force about 400 are pensioners; the remaining 2,500 are troops which must cost this country not less than 150,000 a year. When it is remembered that in addition to this sum a sum has been generally voted of from 20,000*l.* to 30,000*l.* a year for the civil government of that colony, it must be acknowledged to be a most costly gem of the British empire. I believe it has been made so costly by the mismanagement of the Colonial Office; and in consequence of the noble Earl the Secretary of State for the Colonies, having broken his pledge of giving free institutions to New Zealand. I speak not of Auckland and New Ulster at present. I confine my remarks to Wel-

lington and New Munster. I knew the leading men who emigrated there. A body better qualified for self-government never left these shores; if you give them self-government they will take care of themselves. They are on the best terms with the natives; and from New Munster alone you may withdraw 1,000 troops, and effect a saving of 60,000*l.* a year. If the troops in Canada were diminished by 5,000 men, at the Cape by 2,000, and in New Zealand by 1,000, a reduction would be effected to the extent of 8,000 men altogether. For these reasons, omitting the question of the amount of force to be kept at home or in our plantations, I contend that I am entitled to vote for a reduction in the vote of men, because I am convinced that a great reduction ought to be made in the military force in our colonies properly so called, and that such a reduction would be in accordance with the true principles of colonial policy and the great interests of our colonial empire.

CAPTAIN BOLDERO said, that he understood the hon. Baronet who had just sat down to have said that as long as they held their colonies, they ought to maintain the troops there. [Sir W. MOLESWORTH: No, no!] He understood the hon. Baronet to have said so. At all events, he could not understand how he could vote with the hon. Member for Montrose for a reduction of 11,000 of their troops, when his own opinion was that they could not safely make a greater reduction than 8,000 men. The hon. Member for Montrose complained that they now had 4,000 men in the colonies more than they had in the year 1835; but he should recollect that the colonies of Hong Kong and New Zealand, which they held only since that favourite year of comparison, absorbed those 4,000 men. What was the use of those colonies, some of which they took by stealth, others by purchase? He could not see of what use they were except to afford advantage to the mercantile interests of this country. No one could presume to doubt that they were of great advantage in that way. As for New Zealand, in that colony there could be no manufactures introduced except from this country. They should not now come forward to ask for a reduction in the amount of troops necessary to protect those colonies which formed the chief market for their manufactures. He would ask the House were they in such a safe position as to admit of their withdrawing any of the

troops? Would the House consent to withdraw any of the troops from Ireland? If the Government felt that they could with confidence withdraw 9,000 or 10,000 of the troops from Ireland, they would gladly do so; but such confidence should not be placed in the peace and tranquillity of that country as some hon. Gentlemen would appear to suppose. He looked on Ireland as the most populous and the most helpless country on the face of earth, and could not admit of the withdrawal of such a number of troops. There was not at present a country in Europe that was not kept down by the force of bayonets; and there was not a crowned head that did not depend on such a force for its existence. It was said that the existence of railways did away with the necessity of having large numbers of troops in any one portion of their dominions. No doubt as a means of transit they were extremely advantageous, and would be of great use in case of a foreign invasion; but in case of an internal commotion they would be of no such advantage. Now, for instance, he would suppose that a row took place in Liverpool, and the troops were sent to check it, and succeeded in doing so, and then the disaffected made their way by rail to Manchester, and did the same there. Suppose there were no troops in Manchester, and the troops had to be sent from Liverpool to check the disturbance; what then would the Manchester gentlemen say? They would exclaim, "We pay taxes, and we have as good a right to keep troops in Manchester as you in Liverpool have." He would remind the House that the whole of this force was kept up to protect their interests and their property. It was the fashion to talk about the Army as being kept up for the purpose of providing for the younger members of the aristocracy. Such a clap-trap as that was a mere attempt to bring the Army into contempt. The aristocracy were not a bit more provided in the Army than any other body in the community. There was a fair sprinkling of gentlemen whose fathers belonged to the mercantile body in the Household Brigade and the Guards; and he should say that in the heavy cavalry more than half the officers were sons of mercantile and commercial men. As for the line, he declared to the House that every interest was fairly represented. Those who spoke about the Army should be more careful; and when they made statements they should take care they should not be the very re-

verse of the truth, as such statements were likely to do incalculable mischief. It was stated by the hon. Gentleman the Member for the West Riding, that there were more officers in the Army than was necessary, and added that there was an officer to every twelve men. How could the House accept such a statement as that, when they would find, by comparing the numbers, that there was only one working officer to every thirty men. If they took all the officers as they now stood, working and non-working, including even the veterinary surgeons, they would find that instead of one officer to every twelve men, there was only one to every eighteen. If, however, as he said before, they only took the working officers, they would find that there was only one officer to every thirty men. He would observe that instead of having too many officers, there was reason to believe they had not enough of them to enable them, whenever they sent a detachment of men, to supply an officer to accompany them. The newspapers every day contained complaints of their not having enough officers in India. He would recommend those who argued on these matters without any personal knowledge, to ask any military man, and then they would receive full and fair explanations. The hon. Gentleman the Member for the West Riding said that he had consulted a military man, either a Hanoverian or an Australian. [*Laughter.*] Well, Austrian; but he might just as well have consulted one as the other. He thought that when advice was asked on these matters, it should not be sought from a foreigner. They were proved to be an overmatch for the foreigners as far as military matters went: and if the hon. Gentleman preferred the position of the foreigners he wished him joy, but the English were as far superior to them as one thing could be to another. Hon. Gentlemen said that they were anxious to keep faith with their creditors; but they should also keep faith with their soldiers, and allow the reliefs to proceed; and all he could say was, that if the Motion of the hon. Member for Montrose was carried, they would give strength to the disaffected and discontented in every part of Her Majesty's dominions.

MR. MACGREGOR, in order to justify the vote he should give, would offer a few observations to the Committee. He believed that the Government were anxious to go on reducing the military establishments as much as possible; and he must

say most sincerely, from his own personal knowledge of what his right hon. Friend the Chancellor of the Exchequer had been doing, that he was as anxious to reduce the expenditure, and to economise the finances of the country, as any man could be. In 1848 he (Mr. M'Gregor) had himself proposed a reduction in the expense of these establishments from 18,512,147*l.* to 14,250,000*l.*; and he found, that since that period the Government had themselves made a reduction of 2,686,711*l.*, bringing the total cost at present of Army, Navy, and Ordnance to 15,825,436*l.* He agreed with the hon. Member for Southwark that they should reduce the military expenditure in the colonies, and he hoped that, as Ireland was in a tranquil state, there would be no necessity of maintaining more than the ordinary garrisons in that country. He did not agree with the hon. Member for Montrose that they had no source of alarm in the large military establishments on the Continent; for he thought that when such large standing armies were kept up in France, Austria, and Prussia, it behoved us to see that we were in a safe position. The Prussian army, on the 1st of April last, amounted to 325,300 men under arms, of between 22 and 32 years of age, exclusive of the Landwehr, 151,500, of 32 years and upwards, and 36,000 Gendarmes, being a total army of 512,800 men. The Austrian army, in the end of June, 1848, amounted to 706,708 men; and in France the actual standing army was 453,884 men, for the year 1849, exclusive of the National Guard; and he found the cost of maintenance of the French army was exactly double the cost for the maintenance of our own army, being 13,850,000*l.* sterling. He could not, under these circumstances, vote for any immediate reduction in the Army; and although he hoped, by reducing the expenditure of the country to reduce the taxes (especially the window tax), which pressed so heavily on many interests, he would never consent to reduce any taxes at the expense of public credit. He was anxious to see reductions made in the Army and Navy, whenever they were practicable and compatible with safety; but he thought that hon. Gentlemen who wished to make a sweeping reduction of 11,000 men could not do so without inflicting injustice on most of those 11,000 men. If they brought home troops from the colonies, this would take some time, and they must, as a matter of justice, give them pensions. He did not, under all the

circumstances, expect any great reduction to be effected in the Army and Navy for some years; though he believed the expense might be reduced by oconomy.

SIR B. HALL bore testimony to the forbearance and good conduct of the troops whenever he had seen them called out on particular occasions. The question, however, was, whether it was convenient or not to reduce the number of the Army, and he had been surprised to observe the same Gentlemen speak and vote for a reduction of taxation, who spoke and voted against a reduction of expenditure. How was it possible consistently to talk about a reduction of taxation, and at the same time to vote for the full expenditure of the country? The window tax, for example, produced a good round sum. As a landed proprietor, he should be glad of the reduction of much taxation; as a metropolitan representative, he should feel it his duty to vote for the repeal of that tax; but he could not pursue that course if the full expenditure was maintained. The hon. and gallant Member for Chippenham had advised the hon. Member for the West Riding, if he wanted to reduce the British Army, not to consult an Austrian officer but an English military man. But whether the Army was to be reduced or not, he (Sir B. Hall) told the hon. and gallant Member, without wishing to say one word in derogation of himself or of any other officer of the British Army, that upon such a question as that of reduction, their opinions would not be those he should most rely upon. If, for example, he wished to reduce the number of bishops, he should not go to the bishops for advice; and so, if he desired to reduce the Army, he should not consult the officers. The two cases were in the same category. In a matter so connected with their interests, it would be impossible for the officers to give an unbiassed opinion. Scarcely a man connected with the Army would be found voting with the minority on this proposal. The hon. and gallant Member had referred to the state of Europe; but this country did not stand in the same position. We were at peace with all the world, and could afford to reduce our Army, and yet keep the crown upon the head of our Sovereign, which was not the case in some other countries, where armies were kept on foot only to preserve crowns on heads, some of whom, perhaps, did not deserve to wear them. The hon. Member for Glasgow referred to the number of the French army, but

could he be surprised when he considered the condition of all France? So in Russia, there was no Government, and the army was required to maintain the power of the Crown. The same reason applied to Austria; and in Prussia there would soon be three Parliaments sitting in different places, and yet Germany was called by some persons a united empire. He admitted that those countries must keep up their military force, and that there was good reason for not reducing their armies. But this country had enjoyed many years of peace; and it appeared to him that the time had come for reduction, and that it was useless going on from year to year saying that there could be no diminution in the number of the Army. He thought the proposal of the hon. Member for Montrose was one that could be fairly met. The earnest wish of the country was for a reduction of expenditure in order to obtain a reduction of taxation, and he did not think that those who opposed such a reduction of expenditure had a right to demand remission of taxation. He had before voted for reductions, and should do so now with a great deal of pleasure.

CAPTAIN BOLDERO explained that he had not asked the hon. Member for the West Riding to appeal to the officers of the Army for advice; but had merely alluded to his avowal that he had consulted an Austrian officer, who stated that the system on which we conducted our Army was a very erroneous one.

MR. STANFORD, as a civilian, expressed his admiration of the manner in which the estimates were framed, particularly as discredit had been attempted to be thrown upon that noble service—the Army. Unfounded imputations had been cast upon it. [“No, no!”] Why, during the recess, he had seen pamphlets, numerous enough, in which it was asserted that the Army was a cradle for the aristocracy, and that regiments were commercial speculations for the profit of the colonels, and not for the maintenance of peace, law, and order. No man, however, could take up the estimates without seeing how every shilling of the public money was spent; and, he repeated that, whether any item was capable of reduction or not, this was a circumstance creditable to the manner in which they were framed. The point at issue then was, were Her Majesty's Government seeking for the maintenance of a larger force than was necessary to maintain peace at home, the dignity of the empire abroad, and retain



possession of our colonies? With regard to the maintenance of peace at home, it was clear there must be a sufficient force to back the law. The sentences pronounced by the Judges could not be put into execution merely by a small police force; and when hon. Members alleged that the "people" were calling for reductions in our military establishments, he asked them what they meant by "the people?" Did they mean to include, under that term, pickpockets, thieves, and that large body, estimated at 70,000 in the metropolis alone, who were properly distinguished as the "dangerous classes?" If so, he could easily account for the demand; for in addition to the metropolis he contended that the great towns, such as Manchester, Birmingham, Liverpool, and others, required garrisons, but not to tyrannise over the people, or to deprive them of their political rights. The people certainly asked for a reduction of taxation, and he was ready to have it reduced; but he was not willing to reduce the Army, which would prevent adequate protection being afforded to the community. With regard to the colonies, he contended that the military force necessary for their retention could not safely be less than it was at present. He was prepared to show this to be the conviction of every colonial governor; and he preferred their opinions upon such a subject to those of the hon. Gentleman the Member for the West Riding, who, he regretted to say, had, on more than one occasion, indulged in a depreciatory tone with regard to the Army and Navy. He was glad to hear the noble Lord at the head of the Government, upon a late occasion, say that her Majesty's Ministers were determined not to allow one of our colonies to be taken from us. But, to enforce this determination a sufficient military power must be maintained. He did not think it was doing justice to the Government, who had made already such reductions as they could consistently with the safety of the country, for hon. Gentlemen not to take the slightest notice of those reductions, and call for a still further reduction of 10,000 men. Those hon. Gentlemen ought rather to acknowledge the reductions already made, and bow to the opinions of her Majesty's Government as to any further step in the same direction. With respect to our colonies, he maintained that so far from the military force there being too large, it was the reverse, as the governors, military men, and other compe-

tent authorities, had often shown. He considered these better authorities on such a subject than the hon. Member for the West Riding. After the imputations which that hon. Member had cast upon the noble and distinguished man who was the glory of our country and our age, he thought he had a right to doubt anything which came from such a source. That hon. Member spoke both of the military and naval services in the spirit of an alien. For himself, he (Mr. Stanford) desired to see this country great and glorious as it ever had been; and he therefore thanked the Government for manfully coming forward, and, instead of pandering to a base desire for popularity, asking for such a force as they considered right for the maintenance of the glory of Old England.

MR. B. OSBORNE said, that the hon. Gentleman the Member for Reading appeared to look upon the Army as kept up only to give force to the sentences of the Judges. The hon. Gentleman, in fact, seemed to gather the idea from the select vestry, of which he (Mr. Osborne) believed he was, or had been, a member. The British Army he regarded in the light of the new police, and when the hon. Gentleman asked whether the cry for the reduction of the Army came from the people, he (Mr. Osborne) would ask him whether select vestries had made no call of the same nature? Had not one select vestry, which might be named, made immense complaints of an extra rate of sixpence in the pound for the new police, which the hon. Member knew very well amounted to a large sum?

MR. STANFORD observed, that he was not a member of Marylebone vestry, to which the hon. Gentleman appeared to be referring; but the hon. Gentleman the Member for Montrose was.

MR. B. OSBORNE believed, then, that the hon. Gentleman had accepted the Chiltern Hundreds as far as concerned select vestries. But if the reasons of the hon. Gentleman the Member for Reading for supporting the Motion were extraordinary, those advanced by the hon. and gallant Member for Chippenham were still more extraordinary. The hon. Member for Reading represented the civilian reasoning, and the hon. and gallant Member for Chippenham the military reasoning, in support of the Motion. And what were those reasons? The question of the number of the Army had been truly put by the hon. Baronet the Member for Southwark. It

depended upon our colonial empire. Of course, if we chose to have an empire upon which the sun never sets, we must have troops to maintain it; but the hon. and gallant Member for Chippenham said, "We must keep up a large force in the colonies, because they are discontented with our mode of government." Indeed, he went further, for he contended it was necessary to keep up an enormous force in Ireland, because the people there were impoverished and starving. This was the military part of the reasoning. The hon. and gallant Member would probably consider the condition of the union of Kilrush an additional argument for a large force in that country. He rested the case, too, upon the opinions of military officers. He (Mr. Osborne) believed British officers to be honourable men; there were none more honourable in the world, for they were British gentlemen; but he should not go exactly to an officer in the Army to consult upon the propriety of a reduction in the numbers of his profession. His judgment was as liable to be warped as that of other persons; and when the hon. and gallant Member talked of the opinions of officers, he would ask him if the abolition of flogging in the Army proceeded from them or from the Horse Guards? Was it not resisted year after in that House by Members connected with the military profession? Had it not been for a civilian, his hon. Friend the Member for Montrose—and this was among the thousand and one good things he had done—that system of punishment would have been existing in the Army at this moment. There could not be the slightest doubt that flogging would have been continued. The hon. and gallant Member then referred to the number of officers in the Army; and in the very next sentence misrepresented his hon. Friend the Member for the West Riding, with regard to the views expressed to him by an officer in the Austrian service. He said his hon. Friend had compared the Austrian and the British Army—and then he turned round and said, he would compare the British Army either with that of Austria or Prussia. Very well; but let the hon. and gallant Member recollect that nearly the whole system adopted in the British Army had been stolen from the Prussian service. The whole of the infantry manœuvre had been taken from the Prussian system. The hon. and gallant Gentleman should have taken pains to acquaint himself with this fact, and not misrepresented his hon. Friend the Member

for the West Riding under the plea of being a true friend to the British Army. To return, however, to the hon. and gallant Member's argument as to the number of officers. Most undoubtedly he had made an unintentional misrepresentation on this subject. The Army, he said, was under-officered. But he forgot to tell the House that the troops which he alleged to be under-officered were not the Queen's, but the East India Company's. The complaint was made, not as to the Queen's, but as to the Company's troops; and the hon. and gallant Gentleman knew it well. The troops in the Company's service were certainly disgracefully managed, because they were under-officered; and he thought he was justified in this assertion after the recent general order of Sir Charles Napier, in which he exposed the way in which some regiments had been handled. He (Mr. Osborne) was not content to rest this question entirely upon the colonial part of the argument. It had been said by his hon. Friend the Member for Montrose that there was something in the Ministerial benches which seemed to contaminate those who sat upon them. He did not hold that to be the case; but he believed there was a power independent of them, which hindered any set of men, be they Whig or Tory, from carrying out the principles they were accustomed to hold on the other side of the House. That power he believed to be what was called the "Horse Guards." The noble Lord the First Minister, with the best intentions, and the Secretary at War, with the best knowledge, as to the plans which would effect a remedy, would never be allowed to carry them out whilst the Army was governed upon the system that prevailed at the Horse Guards. It was perfectly possible to have increased efficiency with diminished expenditure. In the year 1837 a commission sat upon this subject; and he would now venture to ask why the recommendations contained in the report of that commission had not been carried out? There was no use nibbling at regiments, or reducing 3,000 men here, and 4,000 there. They must begin at the fountain-head; for, until the whole system was altered, it was idle to think of economy. How was the Army managed? It was managed by three different departments. There was the Horse Guards for the infantry and the cavalry; the Ordnance; and the Commissariat, which was under the Treasury. Now, he wanted to know why these departments could not be consolidated, put under one

head, and carried on by a Minister of War having a seat in the Cabinet, and in that House? This very system had been recommended by the Commission which sat in 1837; and the noble Lord the First Lord of the Treasury, the late Earl Grey, Sir James Graham, and other distinguished individuals, urged its appointment immediately. It was evident that it would produce great economy; and why it had not been adopted he could not tell, except that the Horse Guards stood in the way. The Secretary at War, whose statement he was glad to hear, for its clearness, was only financial secretary at the Horse Guards, and he had no power to carry out anything but what he was told; therefore it would be unfair to fall upon him for any shortcomings. The fault was not in him but in the system; and so long as the present system was kept up, he held that, with all deference to the hon. Member for Reading, who was so enamoured with the novel manner in which the estimates were drawn up—though it was precisely the same as had been in use for 30 or 40 years past—so long would there be profuse expenditure. At the same time, he (Mr. Osborne) must find fault with two assertions of his hon. Friend the Member for the West Riding. One of them, indeed, had no foundation in fact, though he believed his hon. Friend had no motive in making it but that of a sincere desire for the public good. The Army, said his hon. Friend, was kept up for the benefit of the scions of the aristocracy. He differed with his hon. Friend. [Mr. COBDEN said, he had never said so; it was the Liverpool Financial Reform Association.] The Liverpool Financial Reform Association had published several interesting tracts, which he had read; and he could assure them that, having taken great pains to inquire into this subject, they were completely mistaken. He had even gone into the pedigree of the officers of regiments, and he had found, upon careful investigation, that the great proportion of officers in one branch of the service—namely, the heavy dragoons—were generally the sons of capitalists and gentlemen who had made their money fairly and honestly in their different occupations. He found, also, that the great proportion of infantry officers were the sons of very poor men, who entered the Army as a profession; and it was only in two exceptional regiments, which were not the working branch of the service, that it was otherwise. It might be, therefore, that, in some cases, the working of

the system was as had been described, but in the great majority of cases it had been misrepresented. But his hon. Friend was perfectly justified in the second assertion he had made, namely, that there was a great disproportion of officers to men. Then the Secretary at War pointed to America, and the proportion of officers to men there. He (Mr. Osborne) wondered nobody had got up and expressed their astonishment at this reference; for, if a real comparison was wanted, the right hon. Gentleman should not have gone to America, but to the continental nations. For an army of 100,000 men, we had no less than 9 field-m Marshals, 58 full generals, 57 lieutenant-generals, and 174 major-generals—a staff much greater than was maintained for an army of 450,000 Frenchmen; and let it be remembered that the French were obliged, out of theirs, to supply a staff for 500,000 National Guards. But here the hon. Gentleman the Member for Glasgow came in his new character of Chancellor of the Exchequer, and would not allow the House to make any reduction, because, he said, the French army cost double the amount of ours. This was said amidst loud cries of “Hear, hear!” from the opposite side. But the hon. Gentleman omitted to state a material point, namely, that the French army was quadruple ours, and that in the French estimates the whole of the Ordnance was included. The right hon. Gentleman the Secretary at War had only casually alluded to the clothing establishment of the Army. He (Mr. Osborne) was not going to enter into any diatribes about the clothing; but he thought that, before the hon. Member for Reading felt satisfied with the estimates, it would be well if he had inquired whether a saving could not be made by putting this establishment upon a different footing. 147 colonels, who had regiments, had 90,000*l.* for clothing; and the sum allowed each general officer for an infantry regiment was 1,840*l.*, whilst his annual expenditure for clothing was 1,066*l.* What became of the odd 800*l.*? It went into the general’s pocket. He had no objection to that; but he maintained it would be much better to give an annual payment to deserving men who had got regiments, than to place their emoluments upon such a footing, for they would be better satisfied on the one hand, whilst 40,000*l.* a year would be saved by the clothing being taken out of their hands. A private of the line, he found, cost in clothing 2*l.* 6*s.* per annum; a foot guard, 3*l.* 16*s.*; a private

in the cavalry of the line, 4*l.*; in the Blues, 8*l.* 4*s.*; and in the Life Guards, 8*l.* 13*s.* 3*d.* Thus the cost of the Life Guards was more than double that of a private in the cavalry of the line. This was enormous. He trusted, then, that they would not much longer be encumbered with the cuirass into which they were put, and in which, if they were called out, they would never be able to strike a blow, nor with those enormous boots in which, large as the men were, they seemed to be lost. What was the cost of clothing for the French and Prussian armies? In 1847, the cost of 370,125 French troops, including tent equipments, was 464,000*l.*, being 1*l.* 13*s.* 2*d.* per man; in Prussia it was 1*l.* 15*s.* 10*d.* per man. But in this country the cost was 3*l.* per man, just double those of Prussia or France. Something must be wrong in our system; and he was sure that so long as the clothing of regiments was in the hands of colonels, so long would this evil prevail, and so long would they be exposed to detraction for what they could not help. If, then, the Secretary at War had any influence at the Horse Guards (which he did not believe), he entreated him to put the clothing establishment of the Army upon a different footing. The hon. and gallant Gentleman the Member for Chippenham had referred, as he had already said, to the proportion of officers in the British Army; but his hon. Friend the Member for the West Riding had not made the statement imputed to him. His hon. Friend said he had spoken to a distinguished Austrian cavalry officer—that he had gone over the different regiments, and found the proportion of officers to men double in the cavalry regiments to the infantry, and double what they were in the Austrian service. It was new to him (Mr. Osborne) to hear the Austrian and Prussian cavalry underrated; and if the hon. and gallant Gentleman had had an opportunity of seeing them, he would have seen that we took pattern by them every day. But what was the system as to our cavalry? Exclusive of the Household Brigade we had 23 regiments of cavalry. The first Dragoon Guards had two extra troops, and it consisted of 361 horses, and 511 men of all ranks; the 22 other regiments had 271 horses and 387 men each. There were 33 commissioned officers in the 1st Dragoon Guards, and 27 in the others; and the non-commissioned officers were 40 in the first, and 32 in the remainder. There was one officer to seven on dis-

mounted parade, and one to six on mounted parade. The Prussian regiments numbered 1,400 men, and one officer was sufficient for 40 men. Now, he wanted to know whether we could not put our cavalry upon an efficient footing without so enormous a staff? Why, instead of having these skeleton regiments, should they not get rid of the staff, and make the regiments real and effective? He came now to the question of agency. Why should it be continued at an expense of 30,000*l.* a year? There was no such thing in India; and he could see no benefit in it here. He suggested that saving might be made by employing half-pay officers as quartermasters and adjutants. By a return he moved for the other day, he found that one man, a clerk, after forty years' service, had retired upon a pension of 700*l.* a year: but many officers of high rank, after having seen hard service for forty years, and spending 7,000*l.* in the profession, would only get 400*l.* This he submitted was not right, whilst by placing the establishment upon a different footing, economy would be promoted. It had been said that the commercial principle did not apply in the Army. His right hon. Friend forgot that no officer obtained any step in rank for the regulation price; that he was frequently charged 2,000*l.* or 3,000*l.* above it for his commission. No officer (and the Horse Guards winked at it, and his right hon. Friend winked at it too) could hope to obtain a step in the service without paying heavily through the nose for it. Some allusion had been made to education in the Army. He rejoiced that some steps had been taken upon that subject; but he thought it would hereafter become a grave question for that House, when they had got a highly educated body of men, whether their eyes would not be open to the impolitic way in which commissions were given or purchased. It was all very well to talk about education; but in proportion as the Army was educated, they would begin to reason, that there was no reason why a greater proportion should not be eligible for commissions, or any why the bad system of purchase should not be continued. It might be said, "Let well alone." That was said by all Governments; but with respect to the Army he maintained that by cutting down the Ordnance and putting the whole Army under one responsible Minister, a saving of 500,000*l.* might be effected. Certainly he never expected it to be done; but, as it might be effected,



he should give his support to his hon. Friend the Member for Montrose.

MR. STANFORD, in explanation, said, his argument with regard to the estimates was that they were so intelligible that any person who read them might know how every shilling was expended. The hon. Gentleman had been pleased to indulge in insinuations that there was some particular reason for his (Mr. Stanford's) having left the parochial vestry alluded to. The hon. Gentleman was mistaken.

MR. OSBORNE assured the hon. Gentleman that he was not aware of the fact that he had been a vestryman until he was about to address the House.

COLONEL CHATTERTON said: I think, Sir, we are all under very great obligations to our right hon. Friend the Secretary at War, for the clear, admirable, and lucid manner in which he has not only explained, but drawn up those estimates. The only fault I find with them is the fact of their being formed on a plan far too economical, nay, almost parsimonious; and I hope my right hon. Friend will excuse me, when I express my surprise that he could come down to this House and ask for the reduction of a single man, if he had the well-being and interest of that most deserving arm of the British Army, the infantry, at heart. Hon. Members of this House little know the hardships and endurances of these men; they are, I may say, almost expatriated. A regiment returns from foreign service, and when again recruited, I will not say thoroughly disciplined, they are, at the interval of four years, again ordered for foreign service, and this is all owing to the paucity of the establishment of our Army for the different reliefs for foreign service. I greatly regretted to see a diminution of 1,000*l.* in that part of the estimate which regards gratuities and medals to soldiers for long and meritorious services. That system of reward has been found most efficacious, and should be largely encouraged. I also regretted to see so small a sum demanded for rewards and medals to deserving and meritorious soldiers while serving. From the parsimony of this grant, commanding officers are often placed in much embarrassment, as I was upon one occasion myself, when in command of the Royal Irish Dragoon Guards, from having two most meritorious and excellent men to discharge, and could only award one medal. I trust my right hon. Friend will excuse my calling his attention to those points, as well as to the

great and manifest injustice of taking away the good-conduct pay from sergeants when they are promoted to that rank, after having so well earned these distinctions while serving in the lower grades. I assure my right hon. Friend, the soldiers of the Army are justly proud of the distinctions bestowed upon them by their Sovereign, when they have with them the conscious feeling of having deserved them. It gratified me to hear that the attention of my right hon. Friend had been called to the military prisons. I have long thought the comforts of those confined were far too much attended to, in fact they were far better off as to lodging and food than good soldiers in barracks; and I quite approve of the system of altering night-sleeping on guard-beds, which my right hon. Friend tells the House he has introduced. I am glad to express a similar gratification with the hon. Member for Montrose, that that debasing and cruel punishment, flogging, is fast falling into disuse in the Army; but I cannot agree with him that purchase should be discontinued in the Army, for I would ask him how could a man, however deserving, but who had risen from the ranks, be able to bear the expense of horses and equipments in the cavalry service, unless the hon. Gentleman will allow them to come down to this House for a supply? I shall conclude with one remark, and that a regret that I cannot compliment my hon. Friend the Member for Middlesex upon the knowledge he has shown of cavalry tactics; but I could not expect much, as I dare imagine he has obtained his diploma from that gay military school where he was performing the important duty of aide-de-camp to his Excellency the Lord Lieutenant of Ireland.

MR. MUNTZ said, that he felt the same difficulty with respect to the Amendment of the hon. Member for Montrose that he did on a previous evening with respect to the Amendment of the hon. Member for the West Riding. Both were abstract questions, and he did not see how they were to be carried out; but, in the meantime, he felt that he might be giving a vote which would imprudently reduce the military power of the country. He agreed with the hon. Baronet the Member for Southwark in regarding the question as a colonial one, because one half of the men required were needed for the colonial service. The question then was—Is the House prepared to give up the colonies?

[“No, no!”] His opinion was that the wisest course would be to give up the colonies altogether, looking at the present state of the commercial interest. He knew of no advantage which the colonies conferred which would not be derived if they were left to themselves; and therefore he would say, that the honest, the wise, the expedient plan would be to say to the colonies, “If you wish to leave us, we shall be extremely obliged to you. We are not at liberty to discharge you because we encouraged emigration; we are bound in consequence to support you; but so soon as you feel that you are able to do for yourselves, we shall be glad to relinquish our control.” If this step be taken, Canada and some of the other colonies, which were able to stand on their own bottom, might avail themselves of the offer, and thus relieve the mother country of the expense which she had now to bear in protecting those who were perfectly able and willing to protect themselves. As matters stood, he did not like to vote for an abstract proposition, and he should, therefore, vote for the Ministerial proposal.

COLONEL SIBTHORP said, he certainly should support the Government; and if the Government had found it necessary to ask for an augmentation of the Army, he should have supported it; *Cavendo tutus* was his motto.

COLONEL REID observed, that the Secretary at War had announced that in the course of a short time officers would be subjected to an examination previous to promotion. He hoped the right hon. Gentleman was prepared to state what that examination was, for if it were in any degree similar to that lately adopted before the admission of officers into the service, he should oppose it in every way. If officers who had served their country, and perhaps been before the enemy, were to be subjected to a sort of schoolmaster's examination, and their title to promotion to be determined by the extent of their knowledge in Cocker and Bonycastle, he begged to say that he believed great disgust would be occasioned. For his own part, rather than be subjected to an examination in algebra, logarithms, and other such merely scholastic matters, he would throw up his commission. If the Government were to introduce a system of purely voluntary examination in engineering, military history, and other professional knowledge, this might operate as a beneficial incentive to military students. The hon.

Member for Dumfries had said on a former occasion, that the British Army was notoriously the most unintellectual army in Europe. [Mr. EWART: No, no!] He believed those were the very words the hon. Gentleman used; but he (Colonel Reid) did not know what means the hon. Member had of forming an opinion on the subject, for the Commander-in-chief himself had no means of ascertaining the intellectual qualifications of the men engaged in the service. He (Colonel Reid) believed, however, that if some incentives in the way of promotion were held out, officers would feel that their success depended in some measure upon their own exertions, and would apply themselves to professional studies.

MR. COBDEN said, he found that of the proposed reduction of 4,426 men, 2,230 had been transferred to India, leaving only an actual reduction of 1,896. But what he rose to call attention to particularly was that of the 128 officers charged less to us, 96 had been sent to India, leaving only a decrease of officers to our charge of 32; and, that even that decrease consisted entirely of adjutants, quarter-masters, and surgeons. Looking down the lists for 1849 and 1850, of officers of all ranks, they would find that of all ranks, down to that of lieutenant and ensign, there was last year, 5,103, and this year, 5,105, proving the fact he had just stated. They drafted off the rank and file, but did not reduce the officers. A great deal had been said respecting the necessity of keeping up a military force for the colonies. He considered that all depended on the course we intended to take respecting the colonies; and if ever there was a time when that question ought to be decided, it was the present. The hon. Member for Birmingham found a difficulty in supporting the Motion of his hon. Friend, because that question was unsettled. But how were they to settle it, unless by a vote such as they were now asked to give? They had nothing to do with the framing of the estimates, and had no knowledge of, or power over them, until presented in that House. If they did not deal with them now, they could not do so hereafter. No other opportunity could offer itself for reducing the 6,000,000*l.* demanded for the support of the Army. If they voted the number of men demanded, they would in effect be voting the amount of money demanded; therefore, when hon. Gentlemen voted for the proposed number of men, they voted against any reduction of expenditure. The

hon. Member for West Surrey was to make a Motion to-morrow evening for a reduction of expenditure; but if the present vote was agreed to, it would be useless as regarded the Army, as the question would have been decided. He considered that we ought at once to determine our colonial policy. We were going to give to our Australian colonies and New Zealand absolute power and control over all those vast and fertile lands which we called ours, and would it not be well to insert a clause in the Act to the effect that we should call upon those colonies to pay the expense of their own police and other establishments? He maintained that the House was not in a position to pass this vote, and that if they did they could not carry out those principles of retrenchment for which the hon. Member for West Surrey was about to contend.

LORD J. MANNERS did not agree with the hon. Member for the West Riding that the speech of the hon. Member for Southwark justified his vote for the Amendment of the hon. Gentleman the Member for Montrose. The hon. Member for Southwark had said that they might reduce the force by striking off 1,000 men here, and 1,000 men there, and by diminishing by one-half the force maintained in New Zealand; but he did not give any proof that such a course was practical or prudent. That hon. Gentleman came to the conclusion that 7,500 men might be safely subtracted from the vote proposed by the Government. The hon. Member for Montrose, however, proposed to strike off, not 7,500, but 10,000 men; and therefore he (Lord J. Manners) considered that the speech of the hon. Member for Southwark did not justify the conclusions of the hon. Member for the West Riding. He (Lord J. Manners) would not enter into the various matters which had been discussed; but as the hon. Member for Middlesex had cursorily referred to the subject of army clothing, he would express his earnest hope that care would be taken in future by those whose duty it was to provide clothing for the troops to prevent the recurrence of those disgraceful proceedings, the disclosure of which had startled the country last autumn. He hoped that in future the Army would be clothed upon principles of something like common justice and humanity, and that, whatever system might be adopted, they would not have it on their Parliamentary conscience that the unfortunate men had been reduced by a pitiful

economy to the degrading position in which they had been placed.

SIR W. MOLESWORTH wished to explain, as he appeared to have been misunderstood, that he had said that they could not reduce the force at home without first reducing the force in the colonies, but he had confined his remarks to the reduction which he thought could be made in the colonies.

COLONEL DUNNE considered it necessary, although the cavalry regiments were numerically weak, to keep up a large proportion of officers to form a nucleus for establishing an efficient cavalry force in case of necessity. Cavalry officers required much more experience than infantry officers, and ought to be brought up to the service from their earliest youth. He believed that the Austrian cavalry was under-officered, and that this had been found in late wars; and, in his opinion, the British Army was not over-officered if they wished to have the means of increasing their force on any emergency. It had been stated that the British forces in the colonies were more than sufficient for their defence, but from his own experience on foreign service, he could contradict that assertion. At Gibraltar and Malta, for instance, the troops were frequently much harassed by their duties, especially when sickness prevailed. In the Ionian Islands, also, our forces were perfectly insufficient for the proper performance of the necessary duties. With regard to the system of education proposed to be established, he believed there was a strong feeling in the Army that it would be most beneficial. He could assure the gallant Officer the Member for Windsor, that the professional education, even of cavalry officers, was insufficient, and that, if they wished to increase the efficiency of the Army, it was absolutely necessary that that education should be still further extended.

MR. V. SMITH agreed with the hon. Members for Southwark and the West Riding on the necessity of reducing the military force in the colonies; but he was not prepared to support the Motion of the hon. Member for Montrose, because there were no means upon the estimates of putting a veto on the number of troops sent to the colonies, and therefore the object of his vote might be misunderstood. He had been glad to hear the Secretary at War say that he was prepared to reduce the number of troops in the colonies. The noble Lord at the head of the Government

had made a similar declaration; and the noble Earl the Secretary for the Colonies had stated before the Ordnance Committee last year that he had written to one colony—the Cape of Good Hope—to say that the colonists must in future depend entirely upon themselves for their defence: and he (Mr. V. Smith) understood the noble Earl to say that he was prepared to pursue the same course in other cases. He (Mr. V. Smith) was of opinion that our troops ought to be entirely withdrawn from some of the colonies, and that the colonists should be left to provide for their own defence. The Kafir war had been terminated at much less cost than would otherwise have been the case, because when that war broke out there was but a small British force in the colony, and the colonists readily came forward and enrolled themselves as volunteers, which they would not have done if they had had a large body of the Queen's troops to depend upon. He agreed that the present was as suitable an opportunity as was likely to occur for reducing the colonial expenditure of this country, for when they were giving self-government to the colonies they might tell them that with the art of self-government they must also learn the art of self-defence. He hoped the noble Lord at the head of the Government would be prepared to carry out the policy intimated by Earl Grey before the Committee last year, and that he would reduce considerably the forces employed in the colonies, if he did not entirely withdraw them. He (Mr. V. Smith) would ask the Committee to look at the danger incurred from maintaining a British army in Canada. His noble Friend at the head of the Government had said a short time ago that he was not prepared to consent to the annexation of Canada to the United States; but suppose a strong desire to exist on the part of the Canadian people to annex themselves to the United States, the moment such a notion was expressed, the British forces in Canada would act, and this country would be involved in a war from which extrication might be most difficult. Although he considered it desirable that what the Legislature of this kingdom intended to do with regard to colonial expenditure should be clearly known, he did not think the present occasion was well chosen for eliciting their opinion on that subject. He regarded it rather as a question of policy than as one of economy in the estimates. Whatever might be the effect of free trade and the repeal of the naviga-

tion laws in this country, it had no doubt produced a great change in our colonial policy, and had completely altered our relations with our colonies; and he thought that now, in entering upon a new line of policy with regard to the colonies, that policy ought to be certain, clear, and definite, that we might know what to expect from the colonies, and that they might know what to expect from us, that when separated—if hereafter we were to be separated—we might separate upon amicable terms.

MR. REYNOLDS regretted, that though he was friendly to every practical effort for the reduction of the public expenditure, he could not support the Motion of the hon. Member for Montrose. The hon. and military Member for Chippenham had said they ought to maintain the army in Ireland from compassion to the impoverished people. That certainly seemed to be a new doctrine for the maintenance of a military force. The hon. Member for Birmingham had said this was a colonial question. It might be so in distant colonies, but in Ireland it appeared to him to be a Church question—an ecclesiastical question; and it was quite clear that the "church militant" in that country was supported by that establishment from which it took the designation. It struck him that they might trace in Ireland some connexion between the tent and the tabernacle. They had in that country 22,000 regular troops, 10,000 enrolled pensioners, and 12,000 constabulary, making a total force of 44,000 men. These troops were in Ireland for the purpose of forcing upon the people institutions to which they were adverse. He would wish to see the whole of the British army, if possible, quartered in Ireland, because the expenditure would benefit the country. He was the more anxious that this should take place, because his hon. Friend the Member for Montrose was determined to add a last blow, by abolishing the Irish Viceroyalty, in order to effect a saving of some 60,000*l.* a year, which was not more than a farthing a piece for the whole population of the united kingdom. If, instead of this Amendment, there had been a Motion made to abolish the temporalities of the Church in Ireland—["Question!"]—and thereupon to reduce the military there by 10,000 men, it would have been a more practical proposition, and more likely to receive support out of doors. But he was compelled, with deep regret, to vote against this Amendment.



He believed, if the nuisance of the Irish Church were abated, the troops might be withdrawn; and, at the risk of exciting a laugh, he would state that as he had sworn as a Roman Catholic not to employ his power to weaken the Protestant Church in Ireland, he could not vote for this Motion.

MR. ALDERMAN SIDNEY thought it right, as other hon. Members had done, to give a reason for his vote on this occasion. He was a decided friend to retrenchment and economy, and he did not know how it was possible for the Government to retrench, unless the House was prepared to support retrenchment. He had heard no answer given to that part of the speech of the hon. Member for Montrose, wherein he stated that in the years 1833, 1834, 1835, and 1836, we had only 80,000 troops for England and Ireland; and he was at a loss to know why it was considered necessary that there should be 20,000 more now. He wished to be consistent in that House. It was his intention to vote to-morrow night for the Motion of the hon. Member for West Surrey; and he did so, because he believed that the course of legislation for several years had been to diminish the cost of articles of consumption, and that the power of paying taxes had been materially diminished by free trade. He did not agree with the hon. Member for Reading, when he said that a military force was wanted to keep down a vagrant and discontented population. He thought it was an insult to them, as citizens, to say that they required any military force whatever to keep down the population either in the metropolis or in great provincial towns—such as Manchester, Birmingham, and Leeds. In 1848, what was the feeling of the metropolis? When there was danger, all classes enrolled themselves on the side of peace and order. There was one fallacy which he had heard stated by the hon. and gallant Member for Chippenham, that the forces required for the colonies were required mainly for the manufactures and commerce of the country. Now, so far as he was able to gather the sentiments of the manufacturing and commercial interests, he believed that manufacturing and commercial men were of opinion that the Legislature would promote the interests of commerce and manufacture much more by wise and economic measures than by keeping up the present amount of taxation, and that the safety of the country might be securely left to the loyalty of the people.

LORD J. RUSSELL: Sir, I shall not at present enter on the question whether there should be a reduction of 10,000 men beyond the reduction of 4,000 proposed by Her Majesty's Government, but there is one part of the speech of my right hon. Friend the Member for Northampton which seems to me to require some notice. As I understand my right hon. Friend, he is disposed to lay down the principle, that as the colonies are to have representative or self-government, and as we have adopted the policy of free trade, that, therefore, the colonies are to be told that they are to rely totally on their own resources for self-defence. Now if my right hon. Friend asks me to give my assent to that doctrine as a general principle, I must say that I am totally opposed to it. I am entirely against any excessive or unnecessary force being kept up in any of our colonies, as I would be against any unnecessary and superfluous force being kept up in the united kingdom; but, at the same time, I do not think the colonists should be told that, under all circumstances, they are to rely in future entirely on their own resources. Now I think the principle ought to be to suit your force for each colony according to the circumstances of the times in which that force is to be employed. With regard to our military fortresses, it has been stated, and I think hardly denied by anybody, that the forces at Gibraltar and Malta are hardly sufficient for the garrison duties in those places. Then, with regard to some of our colonies, we have made very considerable reductions in the forces kept up. In Jamaica and the West Indies generally the force is now upwards of 4,500 men less than in 1835. In Australia we have lately made a very considerable reduction, as the force, which was 4,000 men, is now reduced to 2,629, making a reduction of 1,380 men. I think, when circumstances show that such reduction can be made, it is wise and proper to make it: but in other cases there is often a necessity of sending additional forces, and in such cases it is perfectly obvious that we ought to be ready to send them, and not to desert the colonists, and leave them to rely solely on their own resources. With regard to such fortified places as may be in the colonies, I should be also sorry to leave them to the forces that might be raised by the colony. With regard to Quebec, for instance, I should be sorry to see all the regular forces taken altogether away from it, and the Legislative Council left to provide entirely for its

defence. Without entering into the other questions that have been mooted to-night, I must therefore decline to agree to the general principle of my right hon. Friend. At the same time, if a good cause be shown for reduction in any particular colony, I am ready to agree in such reduction, though I cannot agree to the general principle that under no circumstances are the colonists to have any assistance from us.

MR. V. SMITH explained. He had alluded to the adoption of free trade merely incidentally, and in support of his view with regard to leaving the colonies to maintain their own forces. He should beg to refer to a despatch of Earl Grey to Sir Harry Smith, in which he told him to tell the colonists that in case of any future war with the natives, like the last Kafir war, the colonists should have to depend on themselves.

LORD J. RUSSELL said, that when his noble Friend wrote to the Cape that, in case of a future Kafir war, they must provide their own defence, he did not think his noble Friend meant to imply that the colonists were not to use Her Majesty's troops, but merely that they were not to rely on fresh expenses being paid for them. The matter, he thought, rather confirmed him in saying that each case must depend on its own merits. But taking the colony of New Zealand, which had not at present a constitutional government, and supposing that if within the next two years it received a representative constitution, he was not prepared to say that they ought immediately to withdraw their military forces from that colony. It was quite true that some of the North American States had risen without any assistance from British troops; but in the early history of these States did they not find instances where the whole population of the colony was four times swept away by tribes of Indians, before the final settlement of the colony took place? And seeing that in New Zealand there was a native population of 100,000 men of a very warlike character, he should certainly be afraid to see a few Englishmen left without protection among them, as they also might be massacred as the American colonists had been, and he did not think that, holding the position which he held, he would be doing his duty if he left them exposed to such a danger.

MR. J. B. SMITH said, that England was the only country which paid the military, naval, and civil expenses of her colonies. It was an important question, what

was the value of those colonies; for if they were not worth anything, why keep them? Canada had been referred to; and it was said there had been an increase of 14,000 in our military force on account of Canada; and we constantly kept there an amount of force nearly equal to the whole peace establishment of the United States. The naval and military expense of Canada was estimated at one million per annum; we also paid the Canadians about 15s. per load more for their timber than we paid to other countries, which amounted to 1,700,000*l.* a year; making a total of 2,700,000*l.* What did we get in exchange for this? According to the last returns, the exports to Canada in 1848 did not amount to 2,000,000*l.*; and for the last seven years the average had been less than 2,500,000*l.*; and for that we incurred an expense of 2,700,000*l.* per annum. Canada had self-government. We had given her possession of all her lands: we could not dispose of a yard of land in that colony. What, then, had we in Canada? No power whatever, except the luxury of putting a veto upon any act of the legislature; and for this we sacrificed the whole amount of our exports to Canada. It was utterly impossible this question could long remain in its present state. Canada must pay all her expenses, or she was a worthless possession. It was a great error to give away the Crown lands for nothing. He should move a clause in the Australian Colonies Government Bill, reserving all the Crown lands till the colony agreed to pay its own naval and military expenditure.

SIR J. B. WALSH said, he concurred with the right hon. Member for Northampton that it was premature to consider the question in a colonial point of view, as our colonies were now under a totally different system, and it was yet doubtful what form our relations with the colonies could assume. The hon. Member for the West Riding had said that hon. Members who intended to vote with the hon. Member for West Surrey would act inconsistently if they voted against the Amendment of the hon. Member for Montrose. He denied that; for the protectionists had never been a popularity-hunting party; and while they were always anxious to support practical measures of retrenchment, they had a right to determine questions so vague and general as that of the hon. Gentleman's on its merits. What were they to think of a measure supported by the hon. Member for the West Riding, who at meetings out

of doors had used language calculated to endanger the peace of Europe? There had been one expression attributed in the papers to the hon. Member, in respect to the authenticity of which he had ever since felt an intense curiosity. He wanted to know whether the hon. Member for the West Riding, who, when it suited his purpose, could coo in dove-like notes of peace, had used the pacific phrase that he would "crumple up" the empire of Russia. After using that and similar language, calculated to aggravate the most military State in Europe, and set it against England, what did the hon. Member mean by coming there and asking the House to reduce its armaments? The Emperor of Russia had certainly as much power to "crumple up" the hon. Member for the West Riding as he the Emperor of Russia. He did not deny that the hon. Member had power to crumple up the prosperity of a great empire. If the hon. Member would go to Russia and carry on such a political agitation there as he had inflicted upon this country, he might accomplish the crumpling up even of Russia. He should be very happy if the hon. Member would go and try the experiment. He hoped that, as far as practicable, the House would consent to economise the expenditure of the country; but as he believed the economy proposed by the hon. Member for Montrose would prove dangerous to our national safety and dignity, he should give his cordial support to the Government proposition.

MR. FOX MAULE begged to reply to the question asked by the hon. and gallant Member for Windsor, who had asked whether there was to be a second examination before an officer arrived at the rank of captain, that he hoped to see such an examination before long, although at present no such examination had been decided upon. He would repeat, that unless the officers of the Army kept pace with the men of the Army in increased intelligence, it would go far to shake the discipline which it was necessary to maintain. With respect to the remarks of the hon. Member for Middlesex upon clothing, the subject would be very fully examined by the Committee upstairs, and they would state in their report whether, in their opinion, the present system should be adhered to or altered.

MR. HUME said, the grounds for his Motion were few and simple. During the four years of 1833, 1834, 1835, and 1836,

the number of men was 81,000, while the estimates for the present year were 99,000. Besides the men voted in those years we had now in artillery, marines, dockyard battalions, and Chelsea pensioners, an addition of 40,000 bayonets to the military force of 1834-5. If a large reduction of taxation were made, it could only be done by reducing the expenditure in the military, naval, and ordnance estimates. He was sorry to find that so few hon. Gentlemen upon the opposite benches were likely to vote for his Motion. But he had done his duty, and if the House were satisfied in the present state of the country to have 40,000 men more than in 1835, he must leave them to say so on a division.

The Committee divided: — Ayes 50; Noes 223: Majority 173.

#### *List of the AYES.*

Alcock, T.	Moffatt, G.
Blake, M. J.	Morris, D.
Blewitt, R. J.	Mowatt, F.
Brookhurst, J.	O'Connor, F.
Brotherton, J.	Osborne, R.
Cayley, E. S.	Pechell, Sir G. B.
Clay, J.	Pelham, hon. D. A.
Cobden, R.	Pilkington, J.
Devereux, J. T.	Salwey, Col.
Duncan, G.	Scully, F.
Ellis, J.	Sidney, Ald.
Ewart, W.	Smith, J. B.
Fagan, W.	Strickland, Sir G.
Fordyce, A. D.	Sullivan, M.
Fox, W. J.	Tancred, H. W.
Gibson, rt. hon. T. M.	Thicknesse, R. A.
Greene, J.	Thompson, Col.
Hall, Sir B.	Thompson, G.
Hastie, A.	Thornely, T.
Henry, A.	Walmesley, Sir J.
Keating, R.	Wawn, J. T.
Kershaw, J.	Williams, J.
King, hon. P. J. L.	Wood, W. P.
Lushington, C.	
Marshall, J. G.	
Milton, Visct.	
Mitchell, T. A.	

#### TELLERS.

Hume, J.  
Molesworth, Sir W.

#### *List of the NOES.*

Abdy, Sir T. N.	Bennet, P.
Acland, Sir T. D.	Beresford, W.
Anson, hon. Col.	Berkeley, Adm.
Archdall, Capt. M.	Berkeley, hon. H. F.
Arkwright, G.	Blackall, S. W.
Armstrong, Sir A.	Boldero, H. G.
Armstrong, R. B.	Bowles, Adm.
Arundel and Surrey,	Boyle, hon. Col.
Earl of	Bramston, T. W.
Bagshaw, J.	Bremridge, R.
Baines, rt. hon. M. T.	Brockman, E. D.
Bankes, G.	Brooke, Lord
Baring, H. B.	Browne, R. D.
Baring, rt. hon. Sir F. T.	Bunbury, E. H.
Baring, T.	Burrell, Sir C. M.
Barnard, E. G.	Busfield, W.
Bellew, R. M.	Cardwell, E.

Carew, W. H. P.  
 Carter, J. B.  
 Chatterton, Col.  
 Chichester, Lord J. L.  
 Childers, J. W.  
 Christy, S.  
 Clerk, rt. hon. Sir G.  
 Clive, hon. R. H.  
 Clive, H. B.  
 Cocks, T. S.  
 Coke, hon. E. K.  
 Cole, hon. H. A.  
 Compton, H. C.  
 Corry, rt. hon. H. L.  
 Cowper, hon. W. F.  
 Crowder, R. B.  
 Dawson, hon. T. V.  
 Deedes, W.  
 Denison, E.  
 Denison, J. E.  
 Dodd, G.  
 Douglas, Sir C. E.  
 Douro, Marq. of  
 Drummond, H. H.  
 Duncombe, hon. O.  
 Duncuft, J.  
 Dundas, Adm.  
 Dundas, rt. hon. Sir D.  
 Dunne, Col.  
 Ebrington, Visct.  
 Edwards, H.  
 Ellice, rt. hon. E.  
 Elliot, hon. J. E.  
 Enfield, Visct.  
 Estcourt, J. B.  
 Evans, W.  
 Farrer, J.  
 Ferguson, Sir R. A.  
 Filmer, Sir E.  
 Fitzroy, hon. H.  
 Foley, J. H. H.  
 Forster, M.  
 Fortescue, hon. J. W.  
 Fox, R. M.  
 Freestun, Col.  
 French, F.  
 Glyn, G. C.  
 Goddard, A. L.  
 Gooch, E. S.  
 Gordon, Adm.  
 Goulburn, rt. hon. H.  
 Grace, O. D. J.  
 Greenall, G.  
 Greene, T.  
 Grenfell, C. W.  
 Grey, rt. hon. Sir G.  
 Grey, R. W.  
 Grogan, E.  
 Grosvenor, Lord R.  
 Grosvenor, Earl  
 Guernsey, Lord  
 Guest, Sir J.  
 Gwyn, H.  
 Hall, Col.  
 Hallyburton, Lord J. F.  
 Halsey, T. P.  
 Hamilton, G. A.  
 Harris, hon. Capt.  
 Hastie, A.  
 Hatchell, J.  
 Hawes, B.  
 Hayter, rt. hon. W. G.  
 Heald, J.

Heathcoat, J.  
 Henley, J. W.  
 Herbert, H. A.  
 Herbert, rt. hon. S.  
 Herries, rt. hon. J. C.  
 Heywood, J.  
 Hildyard, R. C.  
 Hildyard, T. B. T.  
 Hobhouse, rt. hon. Sir J.  
 Hobhouse, T. B.  
 Hodges, T. L.  
 Hodgson, W. L.  
 Hollond, R.  
 Hood, Sir A.  
 Hotham, Lord  
 Howard, Lord E.  
 Howard, hon. C. W. G.  
 Howard, P. H.  
 Inglis, Sir R. H.  
 Jermyn, Earl  
 Jervis, Sir J.  
 Jones, Capt.  
 Kildare, Marq. of  
 Labouchere, rt. hon. H.  
 Lascelles, hon. W. S.  
 Legh, G. C.  
 Lemon, Sir C.  
 Lennox, Lord A. G.  
 Lewis, G. C.  
 Lewisham, Visct.  
 Lindsay, hon. Col.  
 Loch, J.  
 Lockhart, W.  
 Lowther, H.  
 Lygon, hon. Gen.  
 Mackie, J.  
 Mackinnon, W. A.  
 M'Gregor, J.  
 Mahon, Visct.  
 Manners, Lord J.  
 Marshall, W.  
 Maule, rt. hon. F.  
 Maxwell, hon. J. P.  
 Melgund, Visct.  
 Monsell, W.  
 Moore, G. H.  
 Mulgrave, Earl of  
 Muntz, G. F.  
 Newry & Morne, Visct.  
 Norreys, Sir D. J.  
 O'Connell, M.  
 Ogle, S. C. H.  
 Ord, W.  
 Owen, Sir J.  
 Paget, Lord C.  
 Paget, Lord G.  
 Palmer, R.  
 Palmerston, Vist.  
 Parker, J.  
 Patten, J. W.  
 Pinney, W.  
 Plowden, W. H. C.  
 Plumptre, J. P.  
 Power, Dr.  
 Power, N.  
 Rawdon, Col.  
 Reid, Col.  
 Renton, J. C.  
 Reynolds, J.  
 Ricardo, O.  
 Rice, E. R.  
 Rich, H.  
 Remilly, Sir J.

Rushout, Capt.  
 Russell, Lord J.  
 Russell, F. C. H.  
 Sadleir, J.  
 Sandars, G.  
 Sandars, J.  
 Scrope, G. P.  
 Seymer, H. K.  
 Shafto, R. D.  
 Sheil, rt. hon. R. L.  
 Sibthorp, Col.  
 Simeon, J.  
 Smith, rt. hon. R. V.  
 Smith, J. A.  
 Smythe, hon. G.  
 Smollett, A.  
 Somers, J. P.  
 Somerville, rt. hon. Sir W.  
 Spearman, H. J.  
 Spooner, R.  
 Stanford, J. F.  
 Stanley, E.  
 Stanley, hon. E. H.  
 Stansfield, W. R. C.

Stephenson, R.  
 Stuart, J.  
 Talbot, J. H.  
 Thompson, Ald.  
 Townley, R. G.  
 Townshend, Capt.  
 Turner, G. J.  
 Vane, Lord H.  
 Verney, Sir H.  
 Vesey, hon. T.  
 Walpole, S. H.  
 Walsh, Sir J. B.  
 Wellesley, Lord C.  
 Westhead, J. P. B.  
 Williamson, Sir H.  
 Wilson, J.  
 Wilson, M.  
 Wrightson, W. B.  
 Wyld, J.  
 Wyvill, M.

## TELLERS.

Tufnell, H.  
 Hill, Lord M.

Original Question put, and agreed to.

MR. FOX MAULE said, that as a Committee were sitting upstairs on the Army Estimates, he would take a half vote on the next item. He therefore moved that a sum of 1,700,000*l.* on account be granted to Her Majesty to defray the charges and expenses of the land forces for the ensuing year.

MR. HUME said, that after the vote which the Committee had just come to, and the large majority against his Motion, he should take up their time unnecessarily if he did more than recommend the Government to take the subject of his Motion into their serious consideration.

MR. HERRIES thought that this repetition of the course pursued last year in taking votes on account, was liable in many respects to grave constitutional objections, and was a very inconvenient mode of despatching the public business. The House had no opportunity of discussing the propriety of this expenditure, or any part of the vote, for the first vote on account was taken without objection, and the other half was proceeded with at the close of the Session, when the public attention was no longer given to their proceedings, and when Ministers had the greatest facility for passing the rest of the vote. He doubted whether the House were not by this course leaving too much to the Committee upstairs. Was there any probability that their investigations would lead to any material economising of the vote proposed?

LORD J. RUSSELL quite agreed with the right hon. Member that if the course taken during this and the past year were adopted on every occasion, it would be very



objectionable; but these Committees had reported from time to time, and it was considered desirable that the House should have these reports before them before voting the money. The Estimates for the Navy and Ordnance were considered by the Committee upstairs, and were then proceeded with in the ordinary manner; and with regard to the Army Estimates, the course taken last year upon the Navy and Ordnance votes would be adopted.

SIR H. WILLOUGHBY asked why an increase of 14,000*l.* in the vote for the removal of the land forces should appear on the present estimates?

MR. FOX MAULE said, that last year the removal of troops did not take place as usual, from motives of economy; but as it would be extremely inconvenient to postpone the usual general change of quarters for another year, that removal caused the increase alluded to.

Vote agreed to.

#### SUPPLY—NAVY ESTIMATES.

SIR F. T. BARING rose to make his statement on the Navy Estimates, when—

CAPTAIN HARRIS objected to proceed at so late an hour of the evening.

LORD J. RUSSELL thought it would be a disappointment to the House if the financial statement were not made on Friday; and if the Navy Estimates were not taken that night, it would be impossible that it could be then made.

SIR F. T. BARING said, he would only take a vote as to the number of men, and not for the wages.

CAPTAIN HARRIS, with great deference to the right hon. Gentleman, must say that it was a very unusual course to go at once from one Committee to another. He would only say that by this proceeding he was debarred from making a statement that he wished to make on the question "that Mr. Speaker do leave the chair," with reference to manning the Navy.

SIR F. T. BARING then proceeded: The Vote which he had to propose to the Committee was a vote for fixing the number of men at 39,000, and in doing so, he would, as was usual on such occasions, bring before them a statement of the general expenditure of the Naval Estimates. The first vote to which he had to allude was one that he should bring forward with the more regret if he did not entertain the hope that it would be the last vote of that character that the House of Commons would be called upon to make—

he meant the vote for making up the deficit of a former year. The vote for the deficiency of 1848-1849 amounted to the sum of 211,000*l.*, by which in that year the expenditure had gone beyond the estimates. This the House was aware had occurred on many previous occasions; and it would, perhaps, be recollected, that the late Secretary of the Admiralty stated last year that the deficit was likely to be from 250,000*l.* to 260,000*l.* It had not, however, reached that sum. He had always been of opinion, on whatever side of the House he happened to be, that the mode of making up by the votes of a subsequent year the deficiency of former estimates was a most unfortunate course to pursue; but it was a course not uncommon of late years. One of the causes from which this arose was the insufficiency of the sum voted for the number of seamen borne. All who were on the Committee of 1848 were aware that this unfortunate practice of exceeding the votes came on very gradually, the evil being very small at first, but becoming serious and important in the end. The sum voted for the number had been constantly below what was really employed; besides which, it was well known that the vote for wages was at best but a very loose statement—merely an approximate estimate—and that the mode in which the estimate was framed in later years was incorrect. It was also to be noted, that in 1848, when the estimates were proposed, the House having received them was so adverse to their passing that lower estimates were brought forward: the Government were anxious, as far as possible, to come within the lower estimates thus made; but it was found extremely difficult in so short a time as was allowed them to reduce the expenditure to the extent required, and the result had been that the expenditure, though below the original estimate, was not below the estimate subsequently given in. These things would in some measure account for the deficiency now to be made up; but he was happy to say, that this course would not be pursued on a future occasion. He was able to state, that though there had been expenses they were not prepared for, yet there would be a surplus for the year 1849-50, such as would enable them to meet the deficiencies of 1848-1849. He would now proceed with the general statement of the estimates. He gave for the effective service for 1850-51 a sum of 4,325,086*l.*; for the non-effective service, 1,388,637*l.*;

add to this, for the conveyance of troops, 135,000*l.*, and for the packet service 764,236*l.*, and they had a total of 6,613,659*l.* As compared with 1849-50, the reduction in the effective service was 406,972*l.*; non-effective service, 5,533*l.*; conveyance of troops, 11,500*l.*—in all, 424,005*l.*: deducting 16,000*l.* for increase of the packet service it amounted to 408,000*l.* But that was not quite a fair mode of ascertaining what had been effected within the last year for this purpose; it would be necessary to look at the expenditure of 1848-49. Comparing then the expenditure of 1848-49 with the estimates of 1850-51, the figures stood thus:—Expenditure for 1848-49, 7,947,376*l.*; estimates for 1850-51, 6,613,659*l.*; being a difference of 1,333,717*l.* There was no intention on their part to over-estimate the reduction; but it was a course they were anxious to pursue, though, perhaps, they were not prepared to go to the extent of his hon. Friend the Member for Montrose. There was scarcely a single vote in which there had not been some reduction made in the course of the present year. He begged to be understood, that in speaking of the Admiralty of the present day, he was not making an invidious comparison between the present system and the system of former years. He was not going to claim merit for themselves for making reductions, or laying the fault of the expenditure on those who went before them. On the contrary, he felt bound to say that the expenditure in former years had enabled them to make reductions at present. And in many cases he believed that the persons who had increased the expenditure in former years, would, if they had continued in office, have made reductions in the expenditure. He regretted that his noble Friend Lord Auckland had not lived to see the reductions effected which he had contemplated. He had laid the foundation of a great number of those that had taken place, though it happened that he (Sir F. Baring) was the person to state them to the House. In going through the estimates he would state the recommendations of the Committee of 1848, which had been carried into effect, because great and important advantages had been derived from the labours of the Committee of 1848, and because it would show that their recommendations had not been neglected. It must, however, be remembered that but for the expenditure that had formerly been made in several instances, it

would have been impossible now to have made the reductions that had been effected. Taking the three votes together—namely, for men, wages, and victualling, the reduction in consequence of the proposed reduction of 1,000 men would be about 50,000*l.* The Committee recommended that an alteration should be made in the mode of estimating the wages of the men which had been for many years adopted. That which was considered a great source of incorrectness had been altered, and the estimate for the last year was made in the mode introduced by his right hon. Friend the Member for Ripon when he was First Lord of the Admiralty, to which it was found convenient again to have recourse. The next and most important point was, that the number of men borne on the books should be kept within the number voted by Parliament. To do that without any deviation was almost impossible. The most attentive Board of Admiralty could not always bring the number of men within the vote. But, so far as the last year was concerned, they had been able to carry out that object; and, with the exception of the first month, it would be found, that the monthly returns of the number of men had been below the number voted. It was for the purpose of attaining that end that the Committee recommended that monthly returns should be stated in the estimate, which it would be found had been accordingly adopted. It was proposed to make a reduction of 1,000 men in the marine force. But in speaking of the number of men to be employed, he must be permitted to observe, that that was a subject in regard to which, to a certain degree, confidence must be placed in the Government. It was not easy to give all the particular reasons why the Government should fix upon any certain number of men. That must rest a great deal upon circumstances which it might not be convenient to state. But he could say, that on the 1st of April, 1848, the number of men actually borne on the books was 46,000, whereas the number voted for the present year was 39,000 men; but though 46,000 men were borne on the books in 1848, yet 43,000 men only were voted that year. There had been, therefore, a much larger reduction than would appear in the votes. Under present circumstances, the Government had carried the reduction as far as they could consistently with the efficiency of the service. The Committee might wish to learn the

distribution of the men. There were in the East Indies, China, and New Zealand, 2,748; Cape of Good Hope, 793; Africa, 2,452; South Eastern America, 993; Pacific, 2,618; North America and West Indies, 1,817; Mediterranean, 7,959; Lisbon, 3,096; home ports—Ireland and Scotland—5,130; packet service, 583; surveying service, 852; troop-ships, particular service yachts, 762; ordered home, or paying off, 1,310; and fitting out, 1,651. Intimately connected with the distribution of the men was the number of ships in commission. From the 1st of January, 1850, the total ships of the line in commission was 13; advanced and ordinary, 58; building, 15, of which three were ready to be launched. There were frigates in commission, 9; advanced and in ordinary, 58; building, 8; and three of which were ready to be launched. Vessels of a lower grade than frigates in commission, 92; advanced and ordinary, 79; building, 4; of which there were ready to be launched, 1. Of steam vessels there were in commission, 88; advanced and in ordinary, 68; building, 11, and of which there was 1 ready to be launched. So that there were 202 ships in commission; 263 advanced and in ordinary, and 38 building; and 6 of these ships were ready to be launched. Before quitting this part of the subject, he would state that it was the intention of the Government to reduce the number of the officers in the marine corps in proportion to the number of men that were reduced. A certain number of captains would therefore retire. It had been thought advisable to select for that purpose those officers who were at the head of the list, and to allow them to retire on full pay, rather than take the young captains and place them on half-pay, and to be recalled afterwards on service. This would add to the efficiency of the corps, and would be felt as a fair portion of favour to the marines. With regard to the victualling department, there would not only be a reduction by reason of the number of men being reduced, but also in consequence of the cheapness of provisions enabling the Admiralty to enter into more favourable contracts. There was one subject of deep interest to the whole service, but which he was not yet prepared to bring before the Committee—he meant the question of grog. It had occupied the attention of the Admiralty for some time; and the question had been laid before a committee of naval officers; and he hoped

before long to lay the result of their labours before the House, and to be prepared with some proposal on the subject. The next vote was that for the Admiralty Office, in which also there was a reduction. The Committee had recommended that the number of those holding office in that department should be fixed by Order in Council, and that no excess of salary should be taken without the sanction of the Treasury. This plan had been adopted in effect, though not exactly in words. The Admiralty had gone back to the old system of having the establishment settled by Order in Council. The Committee had observed that a large quantity of extra work was done by the clerks of the office, and they recommended that the system should cease. That recommendation would be acted upon; at the same time, it must be observed that when so many returns were required to be made to Parliament, it was not possible to get them ready without extra work. He could, however, state, that during the last year ten clerks had been reduced at the Admiralty, at Whitehall, and at Somerset House. Another arrangement had been made, which was much in accordance with the opinion of the Committee, and by which the whole steam department was placed under the control of the Surveyor of the Navy. His early attention had been turned to this point, and an opportunity having offered of placing the person who had hitherto superintended the steam department of the Navy in another situation, he had placed the whole of that department, together with the building department, under the authority of the Surveyor of the Navy. He was not quite sure that his gallant friend Sir Baldwin Walker would be able to perform all the duties connected with that department without further assistance; still, as his gallant friend was so confident that he would be able to do so, he (Sir F. Baring) had bowed to his opinion, and had entirely abolished the controllership of the steam department. In the surveying and scientific department, the vote was in conformity with the recommendation of the Committee. He now came to the dockyard establishments. The salaries to officers, and wages to workmen, of the dockyards, both at home and abroad, he should deal with under one head. Upon the estimate for that head of the present year, as compared with that of last year, there was a reduction of 81,000*l.*; and, as compared with the esti-

mates of 1848-9, 130,000*l*. The whole of the yards at home had been examined, and the expenditure checked, by the Lords of the Admiralty, with the assistance of Sir Baldwin Walker, and by those means a considerable reduction had been effected. Abroad, the admirals on the stations had been required, either themselves to go into the different items of expenditure, or to appoint a committee of officers for the purpose; and in that way each yard abroad had been examined and reported; and the result had been some small reduction. He would state the number of workmen employed in the dockyards on the 1st of April, 1848-9, as compared with the number for the 1st of April, 1849-50. The reduction began on the 1st of January, 1848, when there were on the establishment 9,290. On the 1st of April the number had increased to 9,519; on the 1st of April, 1849, it was 9,630; and on the 1st of April, 1850, it would be 9,621. In addition to that number there was an immense number of hired workmen not on the establishment. On the 1st of January, 1848, the total number of those on the establishment and those who were not was 12,218, and on the 1st of April, 1848, 11,430; on the 1st of April, 1849, 10,142, and on the 1st of April, 1850, the number estimated was 9,621; and there were also some temporarily employed as spinners for particular dockyards; but that would terminate when that particular work was over. The number so employed was 420, making for the 1st of April, 1850, 10,041, being a reduction of 2,177, as compared with the number on the 1st of January, 1848. Again, on the 1st of April, 1849, the number of men employed in the factories at Woolwich and Portsmouth was 1,856. The number proposed to be taken this year was 1,155, being a reduction of 701. He did not mean to say that in future years there might not be some further reduction under the same head; but for the present he considered that 2,000 workmen being reduced since the 1st of January, 1848, and 700 in the factories since the 1st of April, 1849, was as far as he could go with a due regard to the efficiency of the service. The recommendation, indeed, of the Committee had been, that these establishments should be fixed by an Order in Council. The Committee had recommended the reduction of the factory at Holyhead. Since the estimates had been framed, the Government had been enabled to enter into a contract for the packet ser-

vice between Kingstown and Holyhead upon reasonable terms, part of which was, that the parties should hire the Government factories at Holyhead; and consequently, so far as the Government was concerned, there was no danger that the factory there should be continued. Another recommendation proposed by the Committee, and strongly urged by them, was one the justice of which, he fully admitted, was incontestable. They recommended that in the selection of officers for superintendents of yards, the Government should not think it necessary to confine themselves to the older officers of the service, but should select those who were most fitted for the duties. He was well aware that in adopting that recommendation he had disappointed the expectations of many gallant officers; but he had felt it his duty to carry that recommendation into effect, knowing that there was nothing upon which the efficiency of the department and the expenditure so much depended as on the eye of the superintendent of the yards, without which all regulations would be useless. He now came to that which was one of the most important votes—the Store vote. The Committee had made a recommendation upon an extremely difficult part of that subject—the supply of oak. The supply had been practically a monopoly in the hands of a certain party. That party was dead, and for the present year there had been a contract with a new party. The reduction in this vote had been very considerable. The vote for this year was 878,599*l*., being a reduction, as compared with that of last year, of 290,270*l*., and as compared with the expenditure of 1848 and 1849, of 556,072*l*. The principle upon which the Government proposed to act, was to take the principal stores as they stood in 1849, and, calculating on the average expenditure which would be expended in the course of the next year, to take the estimate for that which would replace the amount actually expended. Therefore, although there was a great reduction, they were not going to work on the old stores, but proposed to keep the stores in a wholesome state, and leave them as they found them last year. In the present state of steam machinery, it was advisable not to keep large stores of steam-engines. Improvements were always going on, and he thought it better now not to expend large sums in such stores. With respect to new works, as compared with last year, there was a considerable reduction. The estimate for 1848-9 was



626,000*l.* For the present year it was 324,000*l.*, being a reduction of 300,000*l.*, in consequence of the works which had been carried on at Portsmouth, and those which had been commenced at other places by his lamented predecessor having been completed. At that late hour it would not be necessary for him to go at any length into the charges for the miscellaneous services connected with the Navy; but he might say, generally, that in those portions of the estimates the recommendations of the Committee had been in great part adopted. As to the non-effective votes, the Committee had made two recommendations, which the Board of Admiralty were enabled to carry out: one of these was, that one lieutenant should be promoted for every three vacancies; the other was, the limitation of the number of cadets to 100. At present the number was 96. The exact number of the cadets should appear in the estimates in a future year. He had only further to add, that no very considerable reduction appeared to have taken place in the non-effective vote. But the reason was, that we had fewer ships in commission. The half-pay increased as the full pay diminished, and when we reduced a large number of workmen, the pensions to which some of them were entitled diminished the apparent saving. The apparent result was, that there was not so great a reduction in the non-effective as in the effective departments; but looking at the subject as it ought to be regarded, supposing the whole Navy to be now on half-pay, then the result would be, that our reductions in the non-effective branch would appear as they really were—greater than any which had taken place of late years. A number of the miscellaneous recommendations of the Committee had, he might add, been carried out. The Committee recommended entering, as far as possible, into contracts for packet service; and since the estimates were prepared, contracts had been entered into respecting the Holyhead and Kingstown packets, and those contracts were in accordance with the recommendations of the Committee. Other lines were under consideration, such as that between Hong Kong and Australia, as well as steam communication with Brazil. This, however, would not call for any very large sum of money, and he could assure the House that every effort had been made to reduce expenditure to the lowest point that was at all consistent with efficiency.

Motion made, and Question proposed—

“That 39,000 men be employed for the Sea Service for thirteen lunar months, including 11,000 Royal Marines and 2,000 Boys.”

MR. HUME said, that he had remained, late as the hour was, to record his opposition to so extravagant a vote. Ministers had talked of following out the recommendations of the Committee; but had they, as the Committee recommended, reduced the 150 admirals to 100, though they had contrived to reduce the poor men in the dockyards? It appeared to him that there was no reason whatever for a fleet so large—a fleet in the Mediterranean doing mischief—it was scattering money which the country could not very well spare. Looking at the average number of men voted during the last six years, he found it to be 31,459; and he should now move as an Amendment, that that be the number for the present year.

Afterwards Motion made, and Question put—

“That 31,400 men be employed for the Sea Service for thirteen lunar months, including 11,000 Royal Marines, and 2,000 Boys.”

SIR G. PECHELL expressed the great satisfaction with which he had listened to the statement of the right hon. Baronet the First Lord of the Admiralty; but there was a point on which he wished to make an observation. He understood that the allowance of grog to the sailors was now a matter under consideration, and he must be allowed to say that it was a very ticklish affair; and, in abolishing any portion of the allowance of grog, they ought to proceed most cautiously.

COLONEL SIBTHORP said, that although the naval service ought to be maintained, yet he did think that in the Admiralty department a saving might be effected.

CAPTAIN PELHAM regretted that a vote on so important a subject should be taken at so late an hour, and thought the proper course would be for the Chairman to report progress. The country would not be satisfied with the economy of the right hon. Gentleman at the head of the Admiralty, and there would be further reductions before long, which could be carried into effect without in any way injuring the efficiency of that service which was the real strength of this country. On general grounds he would vote with the hon. Member for Montrose, if he persisted in dividing the House.

MR. BANKES agreed entirely with the hon. Member for Montrose, that a portion

of our naval force was employed in a very questionable manner at this moment; and when such was the case, year after year, it could not be matter of surprise to find the naval estimates were exceeded. He should be glad to be informed by the noble Lord opposite in what light they were to consider the Grecian vessels captured by our fleet, which, up to the present moment, according to a statement in that day's paper, amounted to 160 sail. Were they to be considered as prizes taken in war or not? We had subjected ourselves to the mediation of another Power, and if they decreed we were wrong, we should have to pay damages, which would cause another excess of naval estimates.

VISCOUNT PALMERSTON: I rather think the hon. Gentleman the Member for Dorsetshire is misinformed with respect to the number of vessels taken. At least, by the last accounts we have received, they were only between 40 and 50. The condition in which those vessels are is that of pledges taken and held in deposit for the satisfaction of the claims of this country. If those claims are satisfied, then those vessels are released. If it should be necessary to carry reprisals out to the full extent under the law of nations, they will be condemned and sold, and the proceeds will be applied to the purpose of satisfying those demands by means of the process well known to the law of nations where a commission issues under an Order in Council. With regard to the apprehension which the hon. Gentleman seems to entertain, I beg to inform him that we have not accepted the arbitration of any Power. We have accepted the good offices of France with the view of obtaining an amicable settlement of our claims. There is no subjection on the part of our Government to any arbitration.

CAPTAIN HARRIS suggested, that as the Army had three field-m Marshals, the Navy ought to have two admirals of the fleet, and advocated the claims of Sir G. Cockburn to the distinction.

The Committee divided:—Ayes 19; Noes 117: Majority 98.

#### *List of the AYES.*

Adair, H. E.	Kershaw, J.
Bouverie, hon. E. P.	Morris, D.
Brotherton, J.	Pechell, Sir G. B.
Cobden, R.	Pelham, hon. D. A.
Fordyce, A. D.	Pilkington, J.
Frewen, C. H.	Salwey, Col.
Greene, J.	Thompson, Col.
Hastie, A.	Thornely, T.

Walmsley, Sir J.  
Wawn, J. T.  
Williams, J.

#### TELLERS.

Hume, J.  
Gibson, T. M.

#### *List of the NOES.*

Acland, Sir T. D.	Hobhouse, T. B.
Anson, hon. Col.	Hodges, T. L.
Armstrong, R. B.	Hodgson, W. N.
Baines, rt. hon. M. T.	Howard, hon. C. W. G.
Bankes, G.	Howard, P. H.
Baring, rt. hon. Sir F. T.	Jermyn, Earl
Baring, T.	Jervis, Sir J.
Bellew, R. M.	Jones, Capt.
Berkeley, Adm.	Kildare, Marq. of
Blackall, S. W.	Lennox, Lord A. G.
Blair, S.	Lewis, G. C.
Boldero, H. G.	Lewisham, Visct.
Bowles, Adm.	Lindsay, hon. Col.
Cardwell, E.	Mackinnon, W. A.
Carew, W. H. P.	Mahon, The O'Gorman
Carter, J. B.	Mandeville, Visct.
Cavendish, hon. C. C.	Maule, rt. hon. F.
Cavendish, hon. G. H.	Moffatt, G.
Cavendish, W. G.	Mulgrave, Earl of
Childers, J. W.	Naas, Lord
Christy, S.	Norreys, Sir D. J.
Clerk, rt. hon. Sir G.	Owen, Sir J.
Clive, hon. R. H.	Paget, Lord A.
Cocks, T. S.	Paget, Lord C.
Corry, rt. hon. H. L.	Palmerston, Visct.
Cowper, hon. W. F.	Parker, J.
Crowder, R. B.	Portal, M.
Douro, Marq. of	Power, Dr.
Duckworth, Sir J. T. B.	Rawdon, Col.
Duncuft, J.	Ricardo, O.
Dundas, Adm.	Rice, E. R.
Dundas, rt. hon. Sir D.	Rich, H.
Dunne, Col.	Romilly, Sir J.
Ebrington, Visct.	Rushout, Capt.
Estcourt, J. B. B.	Russell, Lord J.
Evans, W.	Russell, F. C. H.
Farrer, J.	Seymer, H. K.
Ferguson, Sir R. A.	Sibthorp, Col.
Fitzroy, hon. H.	Simeon, J.
Fortescue, hon. J. W.	Smollett, A.
Freestun, Col.	Somerville, rt. hon. Sir W.
Gordon, Adm.	Spooner, R.
Goulburn, rt. hon. H.	Stanley, hon. E. H.
Grace, O. D. J.	Talbot, J. H.
Greene, T.	Tenison, E. K.
Grenfell, C. W.	Thicknesse, R. A.
Grey, rt. hon. Sir J.	Thompson, Ald.
Guernsey, Lord	Townshend, Capt.
Gwyn, H.	Turner, G. J.
Hallyburton, Lord J. F.	Vesey, hon. T.
Harris, hon. Capt.	Wellesley, Lord C.
Hatchell, J.	Westhead, J. P. B.
Hawes, B.	Williamson, Sir H.
Hayter, rt. hon. W. G.	Willoughby, Sir H.
Headlam, T. E.	Wilson, J.
Henley, J. W.	Wrightson, W. B.
Herbert, H. A.	Wyld, J.
Herbert, rt. hon. S.	
Hildyard, R. C.	TELLERS.
Hobhouse, rt. hon. Sir J.	Tufnell, H.
	Hill, Lord M.

Original Question put, and agreed to.

The House resumed; Chairman reported progress.

Resolutions to be reported To-morrow.

The House adjourned at One o'clock.

## HOUSE OF LORDS,

*Tuesday, March 12, 1850.*

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Registrar of Metropolitan Public Carriages; Audit of Railway Accounts.

*Royal Assent.*—Party Processions (Ireland).

## AGRICULTURAL DISTRESS.

LORD REDESDALE rose, pursuant to notice, to present two important petitions from two important counties, both complaining of agricultural distress, and praying for the restoration of agricultural protection. Parliament had now been assembled for six weeks, and in that time no notice had been taken of that most important question, and therefore it was that he now, having been entrusted with the presentation of these petitions, ventured to call the attention of their Lordships to it. On the first night of the Session the noble Marquess at the head of the Government in that House had given their Lordships the comfortable assurance that with respect to agricultural distress he trusted that the worst was past, as the importations of foreign corn were decreasing, and a tendency to a rise in prices had already manifested itself. So far, however, was the expectation then held out to the agricultural interest from being realised, that since that declaration there had been a continual tendency of prices downward, and there appeared at present little or no chance of their rise. As the interests of the landlord, the tenant-farmers, and the labourers were all involved in the rise or fall of the price of agricultural produce, he thought their Lordships should not allow the Session to pass away without attempting to find a remedy for that distress of agriculture which all of them admitted to be widespread. One of the petitions which he had to present, complaining of that distress, came from the county of Northumberland, and was signed by 4,700 persons, including in their number most of the landed gentry of that county, a large number of farmers, and, he was happy to add, a number of intelligent and respectable mechanics. The other came from the county of Worcester, and was also numerous and respectably signed. Both of the petitions came from parties principally interested in agriculture, and they attributed the depreciation of agricultural produce to the recent changes in the law, and contended that it must continue if a return to protection in some shape or other did not take place. In this he thought they

were right, for the principle of free importations had been rejected as injurious and unwise by all the continental nations of Europe, and had even been repudiated by the United States of America; and their Lordships would observe, moreover, that the assertions frequently made, that a return to protection was impossible, proceeded exclusively from those whose political character depended upon the fulfilment of their particular theories. Under such circumstances he rejoiced to see that it was daily becoming more and more unpalatable and unsatisfactory to all classes generally in this country. This was apparent from all the elections which had recently taken place. In all those cases the constituencies seemed to be convinced that protection in some shape or other must and would be restored. Indeed, the whole subject had been recently so treated as to lead one to think that no permanence in the late changes could be longer expected. If those changes were right, he did not wish them to be altered; but if they were wrong both in their principles and in their results, he hoped that there would be no hesitation on the part of the Legislature to remove them, and to give the country relief by a return to its old system. The interest of the people depended on their having good wages and plenty of work. Low wages reduced their income and the income of the country, and as you lowered the income of the country you increased the burden of taxation imposed upon it. He would refer to the operation of the malt tax in proof of this, showing that now, when the price of barley was low, it imposed a tax of 100 per cent on the operation of malting, instead of a tax of 75 per cent, which was imposed on it when the price of barley was higher. Throughout the country there had been a large reduction of wages. Every class of the labouring community, from the engine drivers on the railways to the ploughboy, had been obliged to submit to work for less pay than before, some losing many shillings a week, and the day labourer seldom less than two; and taking the average loss to the whole population of the kingdom, men, women, and children, it might fairly be estimated that not less than 10,000,000 of the inhabitants of this country had been exposed to a reduction of 2s. a week in their wages; and, if that were the case, there must have been a falling off of 52,000,000*l.* in the annual income of the labouring poor. There must,

therefore, be a corresponding falling off in the national income. A gentleman, who had taken a leading part in the anti-corn-law agitation, and who had therefore been selected by Her Majesty's Ministers to move the Address in the other House of Parliament on the first night of the present Session, had made use of a most extraordinary calculation to show that there had been an enormous increase in the wealth of the nation (an increase of somewhere about 90,000,000*l.*) in consequence of the lowering of the price of food by the repeal of the corn laws. That hon. Gentleman had taken the average price of corn in the years 1847 and the present year, assuming the average of 1849 as the basis for calculating that of 1850. He had compared the prices in these years, and had then said—"Here is a gain to the country in the price of food." But that hon. Gentleman had taken a famine year as his standard of comparison, although that was also a year of free trade in corn, for not even the shilling duty was then levied, and had contrasted it with the present year. He (Lord Redesdale) would not take a famine year, but would take the price of wheat and other grain at the rate upon which Sir R. Peel had based his calculations when he altered the corn law, in 1842. That calculation would reduce the cost of wheat from 69*s.* a quarter, as estimated by Mr. Villiers, to 56*s.*, and the saving in the price of wheat would then be not more than 16,700,000*l.*, the saving in the price of barley would be only 4,000,000*l.*, and in the price of oats would not be more than 6,400,000*l.* The saving would also be less on some other portions of agricultural produce; and the result of the whole would be that the saving to the labouring poor effected by lowering the price of food would not exceed 39,000,000*l.* or 40,000,000*l.*; whilst the loss which accrued to them by the falling off of their wages in the same time was not less than 52,000,000*l.* Now, as it was money that ruled, and not produce, and as money wages ought to be considered in the comparison, and not the produce of grain, it was quite evident that the labouring classes must have sustained great loss by the changes which the hon. Gentleman had so largely eulogised. The doctrine laid down by the sect of political economists to which that hon. Gentleman belonged was, that you ought to buy in the cheapest and sell in the dearest market. Now, the labouring man began by selling; he had

nothing but his labour, and therefore, in order to buy largely, it was his interest to be able to sell it in the dearest market. But the object of the political economists was to make the labour market a cheap market for the manufacturer, though they appeared to entertain different views with respect to agricultural labour, for the moment agricultural wages became low, a "commissioner" came down from the newspapers, and made an outcry against the owners and occupiers of land for endeavouring to reduce wages to a starvation point. Putting aside for the present the abstract question of protection, he implored their Lordships to inquire into the causes of the distress of agriculture; and, in order to conduct that inquiry to a successful issue, they must consider what was the situation of that distressed interest. An attempt had been made to draw a distinction between the agricultural and manufacturing interests of the country as antagonist interests. Now, in his opinion, there was no such distinction between them. The growth of corn was a manufacture; and even pastoral agriculture in this country came strongly under the same head, and must also be treated as a manufacture. The landlords too were not drones, as they had sometimes been represented to be, but were master manufacturers. He knew that many of those whom he then had the honour of addressing were equal to any master manufacturer in Yorkshire or Lancashire in the interest which they took in the commodity which they produced, in the improvements which they were introducing into agriculture, and in the feelings which they entertained for the labourers on their estates. There was, however, this difference between land and other manufacturers: the cotton manufacturer knew what amount of manufactured produce he could obtain from a certain amount of cotton. So, too, did the iron manufacturer know how much he could produce from a certain quantity of iron. Both of them could calculate exactly the amount of work they did, and the value which it would produce in the market. The great evil, however, arose when those parties manufactured too much. Then a glut occurred. What was the consequence? They either stopped their operations entirely, or they worked short time. In either case they threw their labourers upon others for support, and thus restored activity to the markets. But no agriculturist could foretell the pro-



duce of the seed he might place in the ground, and in this respect his position was materially different from that of the manufacturer. A glut of their produce in the market operated more mischievously against the agricultural interest than the manufacturing of iron or cotton. At that period the agricultural manufacturer could not stop his operations, or work short time, without throwing his labourer upon himself and his brother landowners for support; his outlay and his production must still be kept up during the continuance of this glut of his own produce. Lord Ashburton, in one of his speeches against the repeal of the corn laws, had distinctly shown the injurious operation of a glut in the corn market upon all parties engaged in the occupation and cultivation of the soil, and predicted that after the repeal of the corn laws there would be a perpetual glut in the corn market of England, inasmuch as the surplus produce of corn would be thrown into it from all quarters of the world, owing to its being at all times, and under all circumstances, an open market. Now, that was the very case at present. The cause of our present distress was a glut in the corn market, and would endure unless some change should take place in the duties on foreign importation. The complaint was, that nothing was now doing there. No man knew when he put his seed into the ground what its returns would be; it might be a hundred fold, or it might be nothing. It was, and it ever had been, the interest of every country to stimulate the production of corn. When the agriculturists said, "We are ruined by the glut which prevails," there came down upon them some pupil of the politico-economical school, exclaiming, "Grow twice as much more, and you will be saved." It was not the course which that school pursued in similar circumstances. When they had a glut, they did not produce twice as much, but they stopped production altogether. Now, it was the duty of Government to take care that the grower of corn should not suffer by the glut which Providence had given him, that glut being created by an agency over which the producer had no control. What he thought that the agriculturist was entitled to was, that whenever there was an extraordinary glut in the market created by the superabundant produce of our own land, he should have a restriction on all foreign importations into that market until the glut was cleared off. Our system was

working well when the recent changes were made in the corn laws, and if it had been left alone we should have been much better off than we were at present—nay, more, a larger amount of revenue would have been paid into the Exchequer, and would have been available for the benefit of the country. For these reasons he thought that a change back to our former system would be advantageous. It would not do to try the experiment of free trade too long. We must not wait in expectation of its success until all the important interests of the country were ruined. There was a heartlessness in our present system which ought not to be persevered in, and would not be tolerated much longer. He wanted to have this question treated on its own merits, and not supported or impugned by mere party motives. He felt confident that a change was necessary. He believed that our present prosperity, so much vaunted of by the school of manufacturing philosophers, was not based on sound foundations, and that their Lordships would soon have to listen to a loud cry of distress from the small tradesmen of the country, excited by the loss of the custom of their best friends—the landlords and farmers of Great Britain. He now wished to put a few questions to the noble Marquess opposite. First, he would ask the noble Marquess to state his opinions as to the causes to which the present agricultural distress was attributable. Next, he would ask him what were his opinions or expectations as to its continuance? Could the noble Marquess tell their Lordships that there was any, and what, prospect of a considerable alteration in the present price of corn? The next question which he should ask the noble Marquess was this—supposing that there was no chance of a decided advance in the price of grain, did he think the present extent of land could be cultivated with any success? He (Lord Redesdale) was confident that it could not be cultivated at all. High farming had been recommended, but high farming was expensive, and could never be remunerative under the present scale of prices. The other question which he should propose to the noble Marquess was, whether Her Majesty's Ministers had been able to form any notion, or to frame any calculation, as to the future average price of corn under the new system? The noble Marquess, by his gestures, seemed to intimate that he considered it unreasonable to ask him to reply to such a question. He thought that there

was nothing unreasonable in asking such a question of the Government. Sir R. Peel had given an answer to a similar question in 1842, and had fixed it at 54s. to 56s. a quarter. The country was now working under a system which it was impossible to go on with, and trying a theory of which no one could calculate the practical results. Nine-tenths of the most intelligent farmers in the country declared that it must inevitably terminate in their ruin. He therefore trusted that their Lordships would either receive an assurance that there was some reasonable ground for entertaining a hope that there would soon be an improvement in the present state of things, or, if not, that Government was prepared to make some alteration in the present state of the law in order to bring about such improvement.

The MARQUESS of LANSDOWNE said, that he was not at all surprised that such petitions should have been presented, knowing, as he did, that distress existed in many of the agricultural districts. He was not one of those who, when he was induced many years ago to vote for a change in the corn laws, imagined that that change could be effected without any difficulty or any pressure on some classes of the community. At the same time, he was of opinion that that change was based upon sound policy, and that it was called for by a conviction that it would be impossible to maintain, by legislative enactment, a higher price of corn in this country than the price which regulated the general markets of the world. Whatever doubts he might have had at the time as to the period when that change ought to take place, and as to the possibility or impossibility of mitigating its effects by a temporary fixed duty, he had never hesitated to come to the conclusion that the abrogation of the corn laws was inevitable, and that ultimately it would be attended by beneficial consequences to the wealth, prosperity, happiness, and commerce of the great bulk of the people of this country. He must differ from the noble Lord in another point, for he thought that the capital of a country could not go on increasing without leading to a corresponding increase in its income. The true representative of the income of a country was the amount of luxury and comfort which that income could command; and if, under an alleged diminution of income, he saw a great increase in the consumption of such luxuries and comforts, he should be inclined to in-

fer that, in reality, the income of the country was essentially increased. The noble Lord had called upon him to answer questions relative to the past, the present, and the future average price of corn in this country. Now, he trusted that whilst he endeavoured to give the noble Baron a satisfactory answer on the first two heads of his question, the noble Baron would excuse him if he should be very cautious as to the last. He could not but recollect that, if there was one subject on which all persons possessing the same sources of information, and the same privileges and advantages of office with himself, had singularly failed in their prophecies, it was the corn laws of the country; and that failure had been notorious, not only on the part of those whom the noble Baron described as leaders of the politico-economical school, but also on the part of such of the advocates of protection as had ventured to predict the consequences of their own measures. Their Lordships were then discussing the question of protection in a House of Peers in which he had himself, with his own ears, heard it gravely stated, that without a fixed price of 80s. a quarter, it would be impossible to maintain the cultivation of the land. We were then told, as we were told again now, that high farming was a very expensive process, and that unless we fixed the remunerating price at 80s. a quarter, high farming must be given up, and all the farms in the country would be abandoned. That standard, however, had been given up, and the remunerating price was fixed at a lower figure; and what had been the consequence? In the face of these constant reductions in the price of corn, that cultivation, which many said must be abandoned, had materially increased, and at the present moment a much larger quantity of corn was raised in the country than had ever been grown at any former period. He should, therefore, be only misleading their Lordships if he should venture to say what the improvement which he expected would be, or to state any opinion as to the future average price of corn. The noble Baron, in the course of his remarks, had thought fit to advert to what had fallen from him at the commencement of the Session. If he referred to that discussion, he might perhaps take credit to himself for that power of prophecy which he had just disclaimed. He had then said that he considered it likely that the importation of foreign corn would diminish. For a month after the

time of his expressing that opinion, the greatest diminution in the quantity of corn imported had taken place which had been known for years. In the month of February, 1850, there was a difference of 200,000 quarters between the quantity of wheat then imported, and the quantity imported in February, 1849. In the latter year the importation during the month of February amounted to 380,000 quarters; in the present year, during the same month, it was only 180,000 quarters. He believed that he should also be justified in stating, that the amount of importation was also diminishing during the present month of March. He therefore said, that there was little cause to dread this great and formidable bugbear, which existed only in the fervid imagination of the noble Baron. He certainly was of opinion that the importation which had taken place had been one of the causes of the diminution of the price of food of which the noble Baron complained. If that was the sword of Damocles suspended over our heads for our destruction, as the noble Baron imagined, it was a very blunt and harmless sword indeed. The effect of that importation had been much less dangerous than the noble Baron imagined. It had only brought the price of corn in all countries of the world to a level with the price in this country. We had reached a state of things in which it was not worth the while of foreign countries to send corn here; and in France the agriculturists were as sick with their repletion as any of our agriculturists were in this country. Here let him ask the noble Baron, when he said that we were not taking example from others, and that others were not following our example, and when he complained that we were the only country in the world which regarded this system of free trade with favour and affection, here let him ask the noble Baron to consider from what countries the greatest and most unexpected quantity of foreign corn had been derived? It had come from France, which had adhered all along to the prohibitory system, and which still thought itself bound to adhere to it. He begged leave to remind the noble Baron opposite (Lord Stanley, we believe) how ineffectual that system had been to guarantee France from these calamities, if calamities they were, arising from the pressure of a great abundance of cereal food. The noble Baron had asked him to explain what he conceived to be the cause of the dis-

tress which existed in some districts of the country. He (the Marquess of Lansdowne) admitted that the importation of corn had had some effect on prices, but that was not all. The main cause was the apprehension carefully and sedulously propagated from one end of the country to the other, by parties whom he need not mention, that the repeal of the corn laws must of necessity lead to wide-spread ruin. If he might form a judgment from the stock of corn now in hand in this country, he should conclude that there never had been a time in the history of the corn laws in which the stock in hand was so low as at present. Another cause of the low price of corn was the recent political changes on the Continent; but he did not suppose that even the noble Baron would attribute those changes to the parties who had introduced the recent alterations in our corn laws. Those political changes had acted injuriously upon every interest in the world connected with production and wealth; increasing them, it might be, in one place, but diminishing them in every other—affecting consumption in one district, and demand only in another; but thereby introducing into all commercial transactions a state of uncertainty which at any rate was not attributable to the legislation on the corn laws. He requested the noble Baron to listen to him whilst he briefly explained the state of the stock of corn at present in hand. As far as could be collected from the returns made from the different warehouses in London and elsewhere, the present amount of stock was only 242,028 quarters. What was it at the close of the year 1848? It amounted to the large quantity of 1,354,000 quarters. It was followed up in February, 1849, by an importation of 384,000 quarters, which was more by 200,000 quarters than the importation of last February, and again in March of the same year by an importation of 623,000 quarters. Now, in this present month of March the importation, as he had already stated, was daily diminishing. But what was the effect of the importation which had already taken place upon foreign countries? He held at that moment in his hand a letter, which he had received that morning from Belgium. In that letter it was stated that so exhausted of corn had that country become, and so low had the price of corn fallen, that any party giving a commission for 4,000 or 5,000 quarters of corn would only be able to procure it by a sudden rise of prices. Was not that a proof that we

had no occasion to fear anything from the present chances of importation? He likewise knew that in the regions bordering on the Mediterranean such had been the increased demand for corn for the African market, that all the coast of that sea had been canvassed to supply it. In France they could not do it; for France was so drained by the great exportation to which he had alluded, that there was now hardly sufficient left for the subsistence of her own people. Their Lordships would also recollect that a great part of the late large supply had arisen from the fact of deficiencies in former harvests having given rise to increased energy and activity in production—efforts which had been crowned by the occurrence of a most plenteous crop. And the favourable harvest of the present year coinciding with a great variety of other circumstances, contributed to bring the prices of corn to their present level. The House also could not fail to be aware of the great influence which the events of 1848 exercised in lowering the prices of corn. But be the causes of that event what they might, it had long been felt as a matter of certainty that the change in the corn laws had greatly increased the consumptive powers of the country; and the information which he had on the subject led him to believe that in the particular places where wages had been most lowered there still was a great consumption, an increased consumption of corn; and, taking the poorer classes of this country as a whole, he would say that there never had been a time when their consumption of wheat had risen to so high a point as at present. There could not be the least doubt that the aggregate consumption of the people of England had increased, was increasing, and would continue to increase, and that its influence must go on till its beneficial effects would be felt in every part of the country. Although he was not prepared to assign any exact period at which he might venture to foretell that every interest in this country must necessarily be in a prosperous condition, yet he would confidently venture to assert that the progress of England was not towards national poverty, but towards national wealth. He believed and trusted, moreover, that the time would come when the benefits of the present system would be felt to be not scattered and partial, but universal, applicable to all classes, and conferring as great benefits upon those connected with land, either as owners or

occupiers, as it now undoubtedly bestowed upon the poorer sections of the community. The noble Lord had described the present system as an experiment. He (the Marquess of Lansdowne) trusted and believed that it would prove a successful one. It was now in the course of trial, and he denied that, so far as they could judge, it had failed in any respect. He could not, therefore, hold out any hopes that Her Majesty's Government would in any way interfere with the existing state of things as regarded commercial legislation. But while he said so, he was anxious likewise to state, that in every way and by every legitimate means, Her Majesty's Government, and he was sure he might say Parliament likewise, were inclined to aid the efforts and assist the industry of the British farmer.

The EARL of MALMESBURY could well understand noble Lords on both sides of the House speaking of free trade as a fact accomplished; but it was perfectly unintelligible to him, who had been listening with deep anxiety to the speech of the noble Marquess, how the two sides of the House could take such different views—not of theories, not of fancies, but of accomplished facts. He would only detain their Lordships a short time, in making some observations in answer to the noble Marquess, and proving by documents that his rose-coloured speech was much misplaced. It was well known that considerable distress existed in the provinces of this country and the rural towns, and the noble Marquess in assuming the contrary was deceiving himself, and misleading their Lordships. The noble Marquess taunted that side of the House with having formerly demanded 80s. a quarter for wheat by a protecting duty. Though some time a Member of that House, he (the Earl of Malmesbury) was not old enough to recollect all the events of the period when the late corn laws were passed, but this he did know, that at the time the agriculturists got 80s. a quarter, the currency of the country had not been altered, and that 80s. then bore a just proportion to 60s. or 56s. now. The noble Marquess said, he considered that the recent great importations had ceased—that the deluge of foreign corn had abated. On this subject he would read a short paragraph which appeared in a Liverpool paper this week. In speaking of the circumstances which caused depreciation, the writer stated that 14,000 sacks of European, and 15,000 barrels of American flour



had arrived. This caused a decline in prices equal to 2*s.* a quarter. The noble Marquess said, the immense stocks of wheat were getting low in this country—that they were not so high as they were in February of last year. If he (the Earl of Malmesbury) remembered rightly, about this time last year the duty was taken off imported corn, and the accumulation had therefore taken place in consequence of the speculators keeping their corn in bond until it could be released free of duty. But however stocks might have diminished since, there was not at present the slightest appearance of increased prices. On the contrary, there was in the prices of agricultural produce a great reduction last week. He had listened with great anxiety to a declaration of the noble Marquess, which thousands and tens of thousands must have read with sorrow and pain, that the time had not yet come for the Government to do anything to alleviate the distress of the agricultural interest. The noble Marquess made that declaration early in the Session, and it had the effect of infusing discontent and despair into the minds of a great portion of the most loyal class in the community. He (the Earl of Malmesbury) was afraid the noble Marquess was urged to this course by an indifference to the state of the country. From the speech of the noble Marquess on the first night of the Session, he (the Earl of Malmesbury) could not believe that the noble Marquess was aware of the state of the county of which he was the lord lieutenant. If the House would bear with him (the Earl of Malmesbury) for a short time, he would read some documents furnished by persons whose authority was undoubted with reference to the present state of that county. The rector of Warminster, a large town in Wiltshire, in a communication, represented the union in which he resided as 20 per cent worse than it had been. Less labour was employed, the rates were 8*s.* in the pound, the savings bank deposits were steadily going down at the rate of 3,000*l.* per annum. Money was never so scarce, and the best able-bodied labourers could only obtain 7*s.* a week, inferior workmen not more than 6*s.* Another clergyman from Wear gave similar testimony. Those letters could not be gainsayed. It might be said that 6*s.* was a price too low for any farmer to give for a week's labour; but it should be considered that the loss sustained by the farmer is much greater in proportion than the reduction of the labourer's wages.

Wheat had been reduced from 7*s.* to 5*s.* a bushel—a reduction equal to 33 per cent. In some counties the proportion of rent to produce was one-fourth, in other places one-third; but whichever of those propositions was taken, it would be seen that the abandonment of the whole rent on the part of the landlord would, in neither case, be sufficient to compensate the farmer for the depreciation in price. If each of the three estates—the landlord, the tenant, and the labourer, have an equal portion of the depreciation—taking it at 33 per cent—then the labourer who received 9*s.* a week when corn was 56*s.* a quarter, would only receive 6*s.* now when it is 40*s.* The labourer, therefore, when he received his 6*s.* in Wiltshire, was bearing his proportion of the loss which the landlords and farmers sustained by free trade. Although he could hardly expect that the noble Marquess would consent to restore protection, yet he (the Earl of Malmesbury) thought the noble Marquess too old a statesman not to be aware of the unjust position in which in other respects the agricultural interest was placed. The noble Marquess knew well that the heaviest part of the poor-rates in this country was charged on them—that in his own county the county rates had increased one-third in the last ten years, and that, along with a depreciation of 33 per cent on their productions, this tax was wholly borne by the agricultural interest. The Government surely might promise something in mitigation of their burdens in that respect. From the last report of the Poor Law Commissioners it appeared that public opinion was greatly increasing in favour of diminishing the burdens on agriculture by a national poor-rate. Certainly, the Government should give its attention to removing the burdens with which the agricultural interest was peculiarly loaded. The tenant farmers were always the most quiet and loyal people in the country. They always paid their taxes, and were the least discontented of Her Majesty's subjects. How, then, could the noble Marquess account for the agitation which they had carried on for the last six months? Did the noble Marquess think that, hardy as they were, it was any pleasure to them to attend meetings and vestries to attack Her Majesty's Government? It was not in their nature to do so. It was tiresome to them. Depend upon it that nothing but the greatest necessity could have induced these men to come forward in a manner so contrary to

their nature. But what had been the language used by their opponents? He would have thought that, in the hour of victory, they would have spoken with forbearance of their fellow countrymen who had been such severe sufferers. On the contrary, however, the language which had been used was of the most insulting and exulting description. He could imagine a country making great sacrifices for the prosperity of the majority; but he could not imagine a Legislature which often devoted a whole evening to inquire into the complaint of an individual who had suffered an injury by the running of a railway through his garden, permitting 200,000 persons and their families to be sacrificed in order to promote the welfare of another and inferior interest. The sufferings of the agricultural interests had been greatly aggravated by the language which had been made use of by the champion of the Manchester school, and whom they could not but believe the Government was intimately connected with. The language used by that man was, that the tenant farmers were eaten up by rents, and that the repeal of the corn laws would lower rents, give cheap bread, and save them from the hands of a "grasping aristocracy." He did not know what Mr. Cobden meant by a grasping aristocracy; but he was prepared to say that, out of the 41,000,000*l.* of rental which was received from England and Wales, not more than 3,000,000*l.* went into the pockets of that portion of the aristocracy which was composed of the Members of their Lordships' House. Whilst upon this subject, he could not refrain from reading a statement which showed at a glance the proportion which rent bore to the value of the 4*lb.* loaf. The calculation was one with which many of their Lordships might not be familiar:—

"One acre of good wheat land, under good management, will produce five quarters, or forty bushels of wheat, that is, 1,800*lb.* of flour; 3½*lb.* of flour makes a 4*lb.* loaf, and one bushel makes fourteen loaves—*ergo*, 1,800*lb.* makes 560 loaves. Assume the rent of such land to be 40*s.* per acre, with average rates and tithes. It is plain that the landlord's profit is as nearly as possible ½*d.* per loaf, because 560 pence are 2*l.* 6*s.* 8*d.*, and the rent is 2*l.* On inferior land, producing thirty bushels, or 420 loaves, the rent at ½*d.* per loaf would be 1*l.* 6*s.* 3*d.* per acre, which is above the average net rent received by landlords for such land."

He believed that this answered the arguments of Mr. Cobden against rents, and he had detained their Lordships at some length in order to do so, because it was puerile to

deny that he possessed great influence with a portion of the public, and that he wielded no inconsiderable influence with Her Majesty's Government. But, recurring to Mr. Cobden and his addresses out of doors, he was not content to speak in exulting language of the agricultural interests, but he condescended to abuse that portion of it whose position ought to have protected them. To what an extent might we doubt the real philanthropy of the man, and call in question the value of his views with respect to the country generally, when we found him attacking the labourers, and calling them "horse-shoe dupes"—alluding to the superstition of nailing horse shoes over the cottage doors. He would like to ask him, however, whether there were not greater dupes than those who believed in the charm of the horse-shoe? and they were those who believed that the ruin of the master would produce advantage to the servant, or that low wages could bring prosperity to the poor man. He regretted to say that the language used by the Government with respect to the sufferings to which the agricultural interest had been subjected, was not that which might have been expected. In the Speech from the Throne, Her Majesty's Government appeared to treat the subject with indifference, and as if they looked upon the distress as merely temporary, and only in the light of a slight smart of which they ought not with justice to complain. It had been said, however, that, as a compensation for the state of the agricultural interest, the greatest prosperity had prevailed in the commercial towns, and that this prosperity was to be attributed to the low price of food. Upon this subject he was at issue, for he did not think that the prosperity which prevailed was to be traced to the operation of free trade. He did not believe that free trade could have brought about those results, because the time of its operation had been so short. If there was a charm in the low price of wheat at 40*s.* a quarter to stimulate prosperity, that prosperity ought to have been felt in 1835, when prices were analogous to those of the present time. In 1835 the average price of wheat was 40*s.* per quarter, and the declared value of the exports in the same year was 41,000,000*l.*; in 1836 the average price of wheat was 50*s.*, and the value of the exports was 47,000,000*l.*; and in 1837, wheat was 57*s.*, and the value of the exports, so far from decreasing with the high price of wheat, had increased

to 53,000,000*l.* It was therefore impossible to argue that the price of wheat acted on manufactures either way, and unfair to argue that the prosperity of Manchester was to be attributed to the low prices of corn. One thing, however, was certain, that the agricultural interests had great cause to complain. The prosperity of the manufacturing towns: attributed not to the low price of wheat, but to the great influx of commerce which the hurricane of the revolution which had blown over Europe had arrested, and which now the reaction of order brought back with accumulation. In consequence of those occurrences, the markets of this country were taxed to furnish supplies; but when the storm had subsided, and other countries could apply themselves to the peaceful occupations or industry, our prosperity would decline, and we would look at home for a market, but find it gone. He regretted being obliged to trespass on the House at such length, but before he sat down he wished to ask a question of Her Majesty's Government. When the noble Marquess declared that he was not ready to give the landed interest any alleviation at present, did he take from them all hope and chance that the Government would—he would not say return to Protection—but in any case remit some of their burdens, and place them, if not upon the same footing with the foreigner, at least upon an equality with other Englishmen who might live by their industry?

The MARQUESS of LANSDOWNE was understood to reply that everything that was practicable would be done for the agriculturists.

LORD REDESDALE said, that the noble Marquess had termed the recent system of legislation "an experiment." He thought that was a most important admission. The noble Marquess at the same time said that it was an experiment which was most satisfactory. There he (Lord Redesdale) differed from him, for he thought it a most unsatisfactory and most unsuccessful one.

EARL GREY said, that if free trade were to be considered in the light merely of an experiment, he could only say that so far as it had gone, and they could judge of its results, it had been, in his opinion, in the highest degree satisfactory; and if any one considered what had been the condition of this country, and what it might have been if that system of legislation had not been adopted, he must be indeed proof against

all conviction if he denied that the experiment was a successful one. If their Lordships but considered for a moment what this country had passed through during the last four years—the destruction of the food of the whole population of one portion of the empire—the enormous efforts made to supply that population with provisions—the prodigious investments made in railways, investments which had proved ruinous to thousands of persons, for he believed the shares in which money had been invested a few years ago would sell now for about 100,000,000*l.* less than had been paid for them—if they considered the disturbance of the whole commerce of the world by the political events of 1848—if they looked at all those occurrences, and saw with how little of general suffering this country had now to contend, so little that the noble Earl who had just sat down was obliged to admit that our commerce and manufactures were in a state of unexampled prosperity, to confine himself to endeavouring to show that that prosperity was not owing to the low prices of corn—when such was the state of things, they must surely admit that the experiment was most satisfactory. No doubt there was distress amongst the owners and occupiers of land, which he deplored as much as any one of their Lordships. But throughout the whole course of the Session, had there, in either House of Parliament, been any attempt made as yet to take the opinion of the Legislature upon the question whether that distress arose from the recent changes that had been made in our legislation, and whether it might be removed by retracing our steps? Now, if noble Lords entertained the opinion that the remedy for that distress was to be sought in that quarter, he thought it was greatly to be regretted that they did not make some formal proposal, and state what it was they wanted—whether it was the law of 1842 or of 1828, or whether that of 1815, was what they desired; for that, perhaps, might be their panacea. Or whether, on the contrary, that measure, which, when it was proposed, was, he believed, universally denounced by every member of what was called the agricultural party—the fixed duty upon corn was what they most desired—that measure which they might have had, but that they, one and all, declared it would be ruinous. He thought it was most important that they should have the question discussed, and the opinion of Parliament taken, upon some measure

which the opponents of the present system said distinctly was that which they wanted. He could not but regret that he had not had the opportunity of meeting the arguments which might be brought forward in favour of some definite and distinct proposal. In the absence of such a proposal he could only deny that there was the slightest particle of evidence that the distress now existing amongst the agricultural interest could be traced to the late change in our commercial system. The noble Lord (Lord Redesdale) said that Parliament should be able to guarantee the farmers against a glut in the markets.

LORD REDESDALE denied that he had said so.

EARL GREY begged the noble Lord to allow him to remind him that he had stated that the great disadvantage under which the farmer laboured, as compared with the manufacturer, was the great insecurity he had to contend with; for he could not tell, when he put the seed in the ground, whether it would return him a hundredfold or nothing; and what Parliament had to do was to prevent the farmer being ruined by a glut when there was a very large produce at home. Now he (Earl Grey) asked whether, under the old corn law, a series of good years did not produce a glut? What had happened in 1822 and in 1835 was just what was happening now. Was not the glut at present owing to the greatness of the harvest in 1849? [Lords REDESDALE and MALMESBURY: No, no!] No doubt there had been a large importation of foreign corn; but in the south of England the harvest of 1849 was quite as large as any, if it were not indeed the very largest harvest on record. ["No, no!"] There was no doubt that this was the general impression in the south of England; and he could call the noble Earl who had spoken last as a witness of the fact. That noble Earl had said that the stocks of corn were not low in the farmers' yards; and he (Earl Grey) believed the noble Earl was right. But they knew from the *Gazette* that nearly 1,000,000 quarters of home-grown corn more than in the corresponding period of last year had been sold since the last harvest, in the towns from which returns are sent under the Act of Parliament, for the purpose of declaring the average. These returns, noble Lords were aware, include only sales of British corn, and if, since the harvest, nearly 1,000,000 quarters more had been sold than last year, while the noble Earl told them there was

an unusually large stock in the hands of farmers, it was pretty clear that the last harvest was a great one. But let them compare the condition of the farmer now with what it was in 1835. He had then a price for the whole year of 39s. 4d. the quarter for wheat. In 1849 the price for the whole year was 44s. 2d. The lowest price in 1835 was 36s., and the lowest in 1849 was 38s. 9d.

A NOBLE LORD said, that one was their own wheat, but the other was foreign.

EARL GREY challenged the noble Lord to go into the calculation. If he did, he would find that the quantity sold in 1849, was nearly double that sown in 1835. So that the farmer had received a higher price than in 1835, and sold a larger quantity. But did they mean to say that there had been no reduction in the cost of cultivation? Why, since 1835 they had had a most enormous reduction in the prices of all articles of artificial food for cattle. Was not the reduction in the price of linseed and of oil-cake a most enormous advantage to the farmer? There had been an immense reduction also in cloverseed. One farmer in Northumberland told him that the reduction in the price of cloverseed, owing to the remission of the duty on foreign cloverseed, had nearly made up to him the amount of his income tax. Again, the improvement and reduction in the price of every agricultural implement was a very great advantage, and an impetus had of late years been given to progress of this kind, which had been attended with the best results. But, above all, draining, and a consequent increase of an impetus, had been given to production, which was most beneficial. Nor should the greatly increased facilities for bringing farm produce to market, and articles for farm use to the farmer's door, be overlooked. No man engaged in agriculture could be ignorant how much the increased facilities afforded by the extension of railways tended to reduce the price of carriage. Every article entering into the cost of production had thus been greatly reduced since 1835, and the expense of cultivation had also been lowered by the extensive system of drainage which, as he had already said, had increased the produce of the soil, and had been scarcely less beneficial in diminishing the expense of working the land. If, then, the farmer raised a greater crop, for which he got rather higher prices, whilst his cost of production was lower than in 1835, it could hardly be said that the removal



of protection had left him worse off than he was then. But the noble Lord said that what the farmer wanted was security from the very great glut which took place sometimes. He believed that this security it was out of the power of Parliament to bestow; but it appeared to him obvious that the tendency of the system of free trade was to diminish the risk of such gluts, because the natural course of things would be, that in years of scarcity there would be a considerable importation of foreign corn, which would take place earlier and with less risk than under our former law, and thus check the extravagant advance of prices, which was sure to be followed by reaction and a period of extreme depression. On the other hand, in years of plenty, the fall off price would be most felt by the foreign producer, who had to meet the heavy charges of transport, and there would be a falling off in the importation. Already that was the case to a great extent. The noble Marquess had shown the great falling off which took place in the month of February of this year, as compared with the importation in the month of March, 1849. He would not trouble the House with going over those details again; but he had with him a statement of the importation of foreign corn for the six months following the harvest of 1848, and the six months following the harvest of 1849. In the first six months there was a regular and progressive increase in the importation, while in the six months following the last harvest, ending on the 1st of March, the amount of importation was a million quarters of corn and flour less than the importation for the corresponding six months of the previous year. He must say, as one who was deeply interested in the prosperity of the land, that he had great cause to complain of the language so injudiciously held in many quarters, as calculated to create an unfounded panic among the farmers. He believed that nothing could be more mischievous to the farmers than the language so frequently used, which would lead them to expect permanently low prices of corn. If there were to be permanently low prices of corn in this country, it would arise in one way, and in one way only—from the improvement of the agriculture of the country. To what extent that improvement might ultimately go, it was difficult at present to perceive; but that prices should be lowered on account of the importation of corn from abroad, on the average

of years, seemed to him to be utterly impossible. Was it not obvious to every one that the corn trade for the present year was in an anomalous condition, and not to be taken as a guide for the future? Where had the great importation during the last year come from? Was it not from countries which they all knew in ordinary years did not grow enough for their own consumption? The first on the list was France. France, they all knew, required on the average of years about a million of quarters of corn in addition to that of her growth for her own consumption; and France, under a system of stringent protection was at this moment suffering infinitely more severely than the agricultural districts of England under free trade. What was the average price of wheat in France up to the period of the late revolution? The average price was 51s. 2d. per quarter, and it was now 33s. This was far below the average price of corn in our own markets at the present moment. Then he found that the average price of wheat in Belgium was 52s. 2d. per quarter, while the present price in this country was 38s. 6d.—clearly indicating that all over Europe there were not the general average prices which would be returned to after they got into a regular and steady course of trade after the changes of the last few years; and therefore the language which was held, and which tended to increase the panic among the farmers, in his opinion did great mischief. He admitted, with the noble Lord, that speculation was now at a stand—that there was a general reluctance among the farmers to enter into engagements binding them for a long series of years, and an equal reluctance on the part of the landlords to lower their rents; and it was these statements, he thought, which had given rise to the panic—the unfounded panic—that was created. When he rose he meant only to say a few words, but he had gone further than he intended. The subject was one in which he had long taken the deepest interest. His first vote was recorded against the principle of the corn-law in 1827, when he first had the honour of a seat in Parliament, and he had steadily voted in the same way from that time to the present; so that it was difficult for him, when he saw what he believed to be the complete practical success of all the views he had ever entertained—it was difficult for him to abstain from vindicating them from the imputation of being unsuccessful experiments.

LORD REDESDALE said, he had never stated anything so absurd as that Parliament should interfere to prevent a glut. What he did say was, that when a glut did arise, Parliament might, and ought to, interfere to prevent its being aggravated by the introduction of foreign corn, which Parliament did effectually in 1835, for no foreign corn was at that time admitted, and, therefore, though the price of produce was low, yet the farmer was paid for the quantity he had. But if foreign corn were admitted during a glut, that would make the glut larger than it was, and of longer duration, so that it would be more serious for the farmer to bear.

Petitions read and ordered to lie on the table.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, March 12, 1850.*

MINUTES.] PUBLIC BILLS.—2<sup>o</sup> Greenwich Hospital Improvement; School Districts Contributions; Consolidated Fund (8,000,000*l.*).

### THE ARCTIC EXPEDITION.

SIR R. H. INGLIS said, seeing his right hon. Friend the First Lord of the Admiralty in his place, he would venture to put again in public certain questions, the purport of which he already knew, in reference to former questions asked by him in the early part of the Session, and to which he made a very satisfactory series of answers. The questions referred to the resumption of the search for Sir John Franklin. At that time he took the liberty to suggest that such resumption should be made by subdivision of the expedition into smaller vessels, and that it should consist in a great measure of steam power directly applied, and that each officer should in a certain degree be independent of the others, so that a greater stimulant might be given to individual exertion; and that rewards should be offered in proportion to the intelligence obtained. He had reason gratefully to acknowledge that these suggestions had been received with favour; and he wished now to ask the First Lord of the Admiralty in what state the expedition about to go in search of Sir John Franklin is now, of what force it consists, and how soon it might be expected to proceed, there being reason to fear that the delay of a week, or even a day, might be fatal?

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SIR F. T. BARING said, the expedition consisted of two brigs accompanied by two steamers under the command of Captain Austin, and there was also a separate expedition under the superintendence of Captain Fenny, of the mercantile navy, which was entirely independent of Captain Austin's command. Everything would be done by the Admiralty to forward the expedition. He was informed, that at the latest it would sail on the last week in April; but he could assure his hon. Friend that the Admiralty were anxious, and all under the Admiralty equally anxious, that the expedition should sail as early as possible.

### TAXATION OF THE COUNTRY.

MR. P. WOOD rose and said, he had to throw himself upon the indulgence of the hon. Member for West Surrey, and ask him to allow him to bring on the Motion of which he had given notice for this evening, relating to several Members of this House, who were incapable of being sworn, according to the usual practice, upon the Holy Gospels. This Motion might clearly have been made one of privilege, by a claim being preferred to be allowed to take the oath in a different form by a Gentleman who, it was matter of public notoriety, had been elected to serve in Parliament although holding religious opinions that prevented him from taking the customary oath. But he had thought it far better, in order to avoid any appearance of excitement, and to obtain a calm and deliberate inquiry into the matter, to give notice, in a form that was not technically one of privilege. He had reason to believe that no long discussion would ensue, or that any serious opposition would be offered, because he intended only to move for a Committee simply to inquire, and therefore he had to solicit the indulgence of the hon. Member for West Surrey, to enable him to bring the Motion on at once.

MR. DRUMMOND said, if this Motion were really so pressing as a matter of privilege, it might have been brought on at any time within the last three years; and if Ministers were so exceedingly anxious to bring it on, the subject might be taken some other night, and not encroach on the very few evenings that were left open for the Motions of private Members. There was no person in the world for whom he would more readily give way than for his hon. and learned Friend; but he must also remind him that when he

(Mr. Drummond) did give way with this very Motion last year, the consequence was, that it was put off till a very late period of the Session, when the noble Lord taunted him with bringing forward in an empty House what ought to have been done at an earlier day; and, therefore, for all these reasons, he (Mr. Drummond) would proceed with his Motion whenever Mr. Speaker pleased to call upon him.

MR. SPEAKER immediately called the name of the hon. Gentleman, pursuant to the order in which it stood on the Notice-paper.

MR. DRUMMOND then rose to bring forward the Motion of which he had given notice. He said that he would not take advantage of the distress which a large portion of the community was at present suffering to excite feelings of prejudice in any part of the House, nor should he deny that comparative prosperity was being enjoyed by other important classes of the community. He must, however, contend that in many cases this prosperity was a mere transference from one class to another; and this, not a transference of luxuries from one class to another, but also a transference of the mere necessities of life from one class to those who did not possess them. He could not now enter into all the considerations which led to this conclusion. He was particularly anxious to avoid the topics touched upon by the hon. Member for the West Riding a few nights ago; and should, therefore, confine himself strictly to the words of his Motion, and address his remarks entirely to that taxation which depresses the labouring classes by diminishing the funds for finding them employment, and advert to that part of the public expenditure to which the hon. Gentleman the Member for the West Riding did not much allude, namely, the public salaries of all the servants of the Crown. And if he (Mr. Drummond) left other subjects unmentioned, it would not be because he denied their importance, but simply in order to leave other hon. Gentlemen to follow the matter up in whatever direction they pleased. He must beg the attention of the House, for a very few seconds, whilst he compressed, in as short a space as he could, a brief history of the last few years, in order to bring us up to our present position. There was no denying that the war, carried on with lavish profusion, did nevertheless give to us a monopoly of all the commerce of the world; that it secured to us an immense field for our ma-

nufactures; that the large number of soldiers, sailors, and ships required, did create an immense demand for agricultural produce; and that the whole of this prosperity was increased by being carried on under a gradually depreciating currency. The peace came—distress followed—their commerce had to be shared with others. The manufacturers met with rivals. They were in distress, and various measures were adopted for their relief. There were commercial exchequer bills, and large subscriptions for starving manufacturers besides. The peace also caused the discharge of soldiers and sailors, making a glut in the labour market; there was a diminished demand for corn, and other agricultural articles; the landed interest got into difficulties, and the arrangement of the currency question sealed that difficulty; they got the corn law as an equivalent for that measure, and they had now repealed the corn law, without an equivalent, and they were back in the place they were in 1819. He was not going to ask the Government to recall what they had adopted—if they had adopted a policy—if they had done anything to which they would stand. He granted that a sufficient time had not yet elapsed to be thoroughly acquainted with the effects of what had been done. He granted also that consistency required them to persevere, although he anticipated, after serious convulsions had taken place, they would be obliged to retrace their steps. He did not ask them to retrace them, or to follow his policy, but he asked of them honestly—was that too hard—to follow up their own. He asked them if free trade was anything more than the cry of faction to get themselves into office, to carry it out, and to be honest. The country was now suffering, because they had stopped in the middle, and had given all sorts of flimsy excuses for that stoppage. He called upon them to follow, and they might depend upon it they must follow it up. He would tell the Government honestly one thing of which he was afraid. He was anxious to keep the present Ministers in their places; and, as there was a conviction that if they were sitting at the Opposition side of the House, they would support him, there were persons who were anxious to put them out, but he was anxious that they should be kept where they were, and should be compelled to carry out their policy. He would tell them why they would be compelled to do so. The farmers had begun to reform.

The farmers had taken it into their heads in many poor-law unions to answer motions that had been made for more adequate remuneration in the unions, by docking them down one half. That was their notion of adequate remuneration. The two points to which he called the attention of the House in support of his Motion were these—to reduce their expenditure, especially in the matter of their salaries, and to be honest free-traders by taking of all burdens which pressed upon the growth of raw produce of every kind. He had received a letter from a very able solicitor, a supporter, he believed, of the noble Lord in the city of London. He says he considers that all the judicial salaries are most absurd, being fixed at a time when the public were lost in amazement at the enormous incomes said to be made by Sir James Scarlett and Sir Edward Sugden, and when it was fancied that all eminent counsel made 5,000*l.* or 10,000*l.* per annum. His correspondent then said he considered that such incomes were not now made by leading barristers, and many of them would be glad to secure 3,000*l.* or 4,000*l.* per annum; that many barristers would be glad to secure a county court judgeship; and that the salaries of all future judgeships ought to be reduced and made more equal with the present altered price of provisions. He said, if they sold wheat at a reduced price, let the national expenditure be made to square with it. When the hon. Gentleman the Member for the West Riding of Yorkshire quoted the difference between the Judges in that country and America, the right hon. Gentleman the President of the Board of Trade showed how different the circumstances were between the two countries; but it was no answer to what the Member for the West Riding said, for he distinctly admitted that there was no parallel between a republic and a monarchy; but yet a contrast might be made between the English Bench and the American Bench, and the salaries of the judges were enormously greater in England than in America. When, years ago, they talked with certainty that after the Peace all prices in the country would be on a level with continental prices, it was never expected that the salaries that were raised on the ground that the expense of living was greater than on the Continent, would still remain at their present extent. This gentleman also sent him an extract from a report of the Select Committee that sat in 1797, from which

it appears that the Chancellor's salary had been raised from 9,500*l.* to 14,000*l.* a year, the Chief Justice's salary from 4,800*l.* to 8,000*l.*, and the Senior Puisne Judge from 2,500*l.* to 5,000*l.* According to the scale of living in 1799, the Judges were receiving now what would be equivalent to 50 per cent more than it was intended they should receive. His correspondent admitted that none of their public officers should be more liberally paid than their Judges; but thought there was reason to believe that their salaries would bear a reduction without trenching upon the dignity of the office. He had a still more valuable authority to quote in support of his views. The President of the United States had 5,000*l.* a year—the Governor of Canada had 7,000*l.*; so the governor of a province required to have more than a sovereign king. He had another valuable authority to submit to the House. It was a letter from a tenant farmer whom he had met at dinner the other day, and who stated the fact to him he was now going to relate. In writing to him he said—

“This morning I made inquiries relative to the reductions my neighbour, Lord Cottenham, has lately made in his labourers' wages; it is 3*s.* per week—nearly one-fourth, only excepting his gardeners, who are engaged by the year, and to whom he promised a similar reduction after Michaelmas next.”

Then came an observation from his friend, who had been a Whig and Radical, and very hot indeed on the Reform Bill, and it would be seen how people could get enlightened when they got a little dissatisfied. He said—

“This is what the Whigs call, with their usual self-complacency, the improving condition of the labourer arising from free trade, which as regards the case of the farm labourers, gives a bare existence in summer, and thorough destitution in winter.”

He (Mr. Drummond) had not the honour of knowing the noble Lord to whom that letter referred; he was not aware that he had ever seen him in his life, but only judged of him from what he had heard, and he thought it was impossible to select any person whose sense of the adequacy of remuneration was more delicate, or who was more keenly alive to the advantages of good wages. It was to be recollected that the noble Lord held, in fact, the highest rank in the Cabinet, and he (Mr. Drummond) supposed that, consequently, his Motion for reduction would be supported by Her Majesty's Ministers. No



doubt the noble Lord opposite, who was always so happy to say a civil thing, would now for the first time inform them that this Motion was in accordance with the principles of Her Majesty Ministers, and not with their theory but with their practice. It was said that this was a question that affected the landlord as well as the tenant, and how that might be in other places he could not say. As he had said at the beginning, he wished to confine himself to the two points, partly because he knew on those points he was master of the details, and because it was not true of the district he represented. He did not believe that in that county, or a long way round, there were three estates that were outside 3,000*l.* a year. The greater part of the land was held by men who farmed their own land, yeomen, who had no resource to fall back upon—it was those people they were oppressing. One of them had sent him from his books the price at which the produce sold for six years succeeding 1842. In 1843, it was 1,061*l.*; in six years from 1842, it was 872*l.*; and for this year the produce had been 673*l.* That was the amount of diminution in the property of the yeoman, produced, unintentionally no doubt, by their measures, and made a difference of 38 per cent. Another yeoman who was speaking of the Motion that had been made for the reduction of local taxation, said—

“What is the reduction of local taxation to me? I grow 100 loads of wheat in the year; this year they have been worth 1,000*l.*—some years ago they were worth 1,500*l.*”

Then with regard to the cost of production, there was another particular in which they had not acted honestly towards the farmers. He learnt from three yeomen the other day that the labour on one farm was 382*l.*, on another 600*l.*, on another 1,300*l.* Out of 282,000 landed proprietors in the country, there were 250,000 who held from half an acre to 500 acres of land; and those were the persons who suffered, and not the tenant farmers, who could go back on the landlords, or the landlords, who had other means of relief. He had mentioned the other day the case of those persons who had paid fines for the renewal of bishops' leases, and now he had to call attention to the case of a clergyman, who says, that, having bought an advowson, he borrowed money to build a house. The advowson was worth ten years ago 1,200*l.* a year, but now it had gone down to 800*l.* a year. He would put this ques-

tion to the free-traders—and would do a good many of them the justice of saying they were truly honest—he would ask any one of them by what right they prohibited those yeomen from growing what they pleased on their land, and using it as they liked? He asked by what right they prevented them from growing tobacco if they liked, or linseed, and using it as they pleased, as oil or otherwise, or beet root, and making it into sugar, and drinking it up, or feeding their cattle with it—he wanted to know by what right they told them that they should not take any of their produce and water it when they liked, or dry it when they liked? Why did they not let them do what they liked with their produce, without any meddling or interfering with them? He asked the free-traders to give a plain answer to that, and to let them grow hops if they so wished? And this reminded him of what was said on one occasion by the right hon. Gentleman the Member for Tamworth, who ridiculed the advantages to the labourer of growing hops, and, suiting the action to the word, put out his hand as if he were in the act of gathering hops; but the right hon. Gentleman forgot in his action that it was with the left hand, and not with the right, that they gathered hops. Why, also, should they prevent him from using the clay as he liked, and increasing his buildings and cottages—in short, why should they prevent him from using in any way his produce as he pleased? That was the test which the free-traders would have to answer. The farmers might not be very bright, but they could understand plain honesty; and if they saw that the free-traders merely applied a principle so far as it was profitable to their own pockets, they would call them a name they would richly deserve. He would call the attention of the House to a very curious fact which was worthy of their consideration. In 1723, the duty upon malt was only 4*s.* per quarter, and the amount consumed was at the rate of five bushels per head all over the kingdom. They increased it in 1829, when the duty was 20*s.* 8*d.* per quarter, and the amount then consumed was one bushel one gallon per head. In 1731, the malt being still at 20*s.* 8*d.* per quarter, but the duty on beer being repealed, the consumption rose to two bushels per head; but in 1840, in consequence of an increase of duty, there was a falling off to one bushel, and there it remained. He said this Motion would put the sincerity

of a great number of persons to the test. It was very easy for Gentlemen to go down to the hustings, and say that standing armies and so forth were kept up by the Government for their own interest, but that they themselves only felt interested for the public good, and were willing to have cheap corn and cheap everything; but he believed a great number of votes were given by hon. Gentleman in that House just in proportion as their end was served or not, and not from the motives declared on the hustings. An hon. Gentleman had said something the other night about fishing, and he (Mr. Drummond) believed that fishing went on to a considerable extent, and there were many advocates of free-trade principles who would never agitate them when they thought the end was likely to be a diminution of places in the gift of the Minister. He (Mr. Drummond) would continue to press this matter as long as he sat within the walls of the House, and every constituency in the country should have full means of knowing the votes of their representatives. When he said they should give up the whole of the duty that pressed upon the labourer and owner of the soil, he was told that if the Government took that course, they could not keep faith with the public creditor; but he would tell them that they had not kept faith with the public debtor. They had brought the public debtor to have no respect for their faith, and, whether they liked it or not, the language of the farmers at the present moment showed that was their opinion. Some of those farmers said to him, "Sir, we have been opposed to you at all times; we have been Whigs, and always went against you; but whatever you think of us we were faithful loyal men, and respected the institutions of the country; but we have not found that those institutions protect our property, and we care not a rush whether they are maintained or not." [*Laughter.*] Did they think that was a laughing matter? He expected those bold mockers would not laugh when he told them what was worse—that amongst the labourers reduced in the way he had shown, there was a very common feeling that they did not see why there should be such a difference between the rich and the poor. That was a fearful condition of things, and they must act honestly and justly if they would avert its effects. The way in which they must act was to diminish the salaries of all the servants of the Crown, and also by taking off every impediment from the

cultivator of the soil to do with his produce what he pleased. Those were the two points for which he claimed attention. He did not want to screen the rich, or to protect the landlord against the labourer. No! he would say, put a property tax upon the landlord if they pleased, but whatever they did, let them take the pressure from the labourer.

Motion made, and Question proposed—

"That whereas the present taxation of the country depresses all classes, and especially the labouring classes, by diminishing the funds for the employment of productive labour, it is the opinion of this House, that adequate means should be forthwith adopted to reduce the expenditure of the Government."

MR. CAYLEY, in seconding the Motion, expressed his concurrence in the views of his hon. Friend who had preceded him. While giving the Government credit for a desire to reduce the expenditure, as far as they thought consistent with the exigencies of the country, he did not think that the Government quite appreciated what those exigencies were. He had felt it incumbent upon him upon late occasions to support Motions which had been opposed by the Government—the Motion of the hon. Member for the West Riding; and also that of the hon. Member for Montrose, on the preceding evening, for a reduction in the Army. He had done this, not because he pretended to understand military subjects so well as the right hon. Gentleman below him (Mr. F. Maule), but because he thought that though the necessities of the Government was one important element in the question of taxation, the necessities of his constituents was another element quite as important; and the necessities of the latter made reductions in the public expenditure imperative. His hon. Friend who brought forward this Motion, and himself, were consistent in the course they now took for a reduction in expenditure. They had both anticipated the mischievous results of the late free-trade legislation; those mischievous results were now almost universally admitted; and one consequence he always foresaw was, the necessity for a reduction of taxation. But how happened it that, at this particular juncture, the House was unanimous in calling for economy and retrenchment? The demand seemed to have been even anticipated by the Government; and he wished to know how they had come to anticipate it? According to the principles of the free-traders, it ought to have been a time for increasing expenditure. They did not expect free trade to

of which has hitherto been to make the rich richer and the poor poorer—it will be well if the walls even of the House in which we sit be not shaken to their very foundation.

MR. FOX MAULE thought that when a Motion of so indefinite a character that it was almost admissible by all parties was submitted to the House, and supported by speeches so totally different from the nature of the Motion itself, it was the duty of the Government to state at once the course which they meant to take in reference to that Motion; for that purpose he had risen thus early in the debate. The Motion itself consisted of a series of assertions, ending with a conclusion, in all which he concurred. He could not differ from the hon. Gentleman the Member for West Surrey in the assertion that taxation was a burden, and a very disagreeable burden, to all who endured it. He could not differ from him in the conclusion that the necessary means by which to get rid of such taxation was by the Government taking every adequate means to reduce the expenditure of the country. But when he came to listen to the speech of his hon. Friend, he thought that he discerned in that speech more than met the eye in the resolution his hon. Friend had proposed. He thought he discerned in that speech a proposition to deal with the public income without reference to the faith which was due to the public creditor. He thought he saw in that speech a reckless attack upon the salaries of public men, especially of the Judges, whose position must be approached, if approached at all, with the most careful and prudent consideration which that House could give to any subject that was brought before it. The hon. Gentleman concluded his speech by a general attack upon the policy which had been adopted in 1846 and in the years subsequent; while his hon. Friend the Member for Yorkshire (Mr. Cayley), who seconded the Motion, had made this a debate entirely upon a question as between protection and free trade; and he prophesied, if the Government should continue in their present course of policy, the many difficulties with which they would have to contend. He (Mr. F. Maule) was prepared to say, that all experience had shown that that policy was one which conduced to the happiness of this country, and to the comfort of the great majority of the people. Approach in what shape they might—come from what quarter they would, Her Majesty's

Government would be prepared to deal with all the contingencies which that policy might raise up, and calmly, but with a firm resolution, go forward in the steps in which they had, in their opinion, so successfully trod. He was not altogether clear that the hon. Mover of the present Motion was himself consistent in the course he had pursued. He (Mr. F. Maule) thought he could remember when his hon. Friend, instead of considering cheap corn as the greatest bane by which the interest of the agricultural labourer could be affected, held cheap corn to be the farmer's best friend; that the heaviest tax which the people had to pay was the landlord's monopoly of corn; and that the landlords were the only persons who gained by that tax. He (Mr. F. Maule) thought he could remember when his hon. Friend held the opinion that all other classes, including the farmers themselves, were injured by that tax, and when he recommended the landlords to get rid of the tax as soon as possible for the benefit of those classes who, as he now said, suffered by the abolition of it. His hon. Friend had said that by removing protection from the produce of the country, the Government had left the cost of production entirely unattended to. He (Mr. F. Maule) denied that *in toto*. What was the first cost in raising corn? Was it not the price of the seed? If the price of the seed had been reduced by the policy pursued, that was one item in the cost of production that had been cheapened. Next came the cheapening of the food of the labourer, and the food of the horses employed in agriculture, by removing the taxes from that food. Both the Mover and Secunder of this Motion appeared to consider that the labouring classes of this country consisted of agricultural labourers alone. They did not seem to take into their consideration that there was a vast—he might almost say a larger—class employed in other labour in this country than that of agriculture. The benefit which had resulted to them from cheapness had been such that he did not believe in the whole history of this country there had existed a period when the great mass of the people were in a better condition than they were in at the present moment. When his hon. Friend spoke of the direction in, and the extent to, which he would go in the reduction of taxation, all he pointed to was a diminution of the salaries of the Judges. No other course was indicated. Now, with reference to

the salaries of the Judges, it was not many years ago that those salaries were reviewed, and at this moment a Bill was pending to legalise a reduction of the salary of the Chief Justice of the Queen's Bench from 10,000*l.* to 8,000*l.*, and a prospective reduction of the salary of the Chief Justice of the Common Pleas from 8,000*l.* to 7,000*l.* These were large salaries, it was true, if compared with the sums paid by other nations. But hon. Gentlemen who lived in the country upon their estates must know that one of the highest institutions of which this country could boast, was the pure, impartial, and recognised uprightness of the administration of justice throughout the land; the confidence which the people had in it, and the power which that feeling exercised in reconciling them to the law, even when its decrees were against their own interest, were among the first securities for order. Every one must admit the absolute necessity of retaining in the position of Judges men of the highest capacity for learning, for integrity, and for knowledge. And in determining what the amount of their salaries should be, they must be compared, not with the salaries paid in other countries, but with that income which an eminent advocate in this country could earn at the bar. Something was said on a former night about the American judges, which he would repeat, because people out of doors did not sufficiently inquire into those things. An American judge received an exceedingly small salary. At the age of sixty, no matter how ripe his intellect or how strong all those capacities which would enable him to discharge his duty to his country, he ceased to fulfil the duty of that office. What became of him? Did he retire, as in this country, upon that pension to which every public man belonging to that station was entitled? No. He was sent back to seek his own living as best he might. And judges who had filled the supreme chair in the United States had frequently been seen afterwards pleading as counsel at the bar, before that very chair which, perhaps, they had occupied far better than those who had succeeded them. He cautioned the House and the public how they reduced the salaries of the Judges below that allowance which would enable them to maintain such a state as should give them character, position, and credit in the eyes of the public. As to what were fitting salaries for public men, that was a question not for him to deter-

mine. When the subject should be mooted, the House would be the best judge of the matter, and to the House he handed over the subject. Whatever they did with the salaries of public officers, other than the Judges, let them be cautious how they dealt with those. Except this single class the hon. Mover had pointed out no other direction in which he would reduce, or suggest reductions, to diminish the burdens which he said pressed on the industrious classes. Last year his hon. Friend carried a Motion of this description by a small majority, and he would now read an extract from a letter which, in consequence of that Motion, had been addressed to all public departments, and which showed that the Government had immediately applied itself to reduce and curtail in all proper manners the current expenditure of the country. It was a letter written from the Treasury, and the extract was this :—

“ I am commanded by the Lords of the Treasury to call the attention of the heads of departments to the resolution of the House of Commons, passed on the 19th of July, that ‘ large sums are expended in supporting needless places, extravagant salaries, and unnecessary works and establishments,’ and they direct me to express their earnest desire that all the estimates should be framed with the most rigid economy, excluding all charges for errors not indispensably necessary for the due maintenance of the public service and the permanent institutions of the country.”

He would ask his hon. Friend whether the Government had been lax in their progress in the road he had pointed out? Within the last three years no less than 3,000,000*l.* of expenditure had been economised, and on Friday next the House would know from the Chancellor of the Exchequer what course he and his colleagues would think it right to take as to the financial arrangements of the present year. He confessed that when he looked at the returns of the public expenditure for a fair and legitimate subject of reduction, he could scarcely lay his hand upon one that would effect what his hon. Friend desired. He presumed that his hon. Friend did not mean to interfere with the interest of the public debt, or with the civil list granted to the Crown. And as to the charges on the Consolidated Fund, he had cautioned his hon. Friend how he meddled with the salaries of the Judges. As to the non-effective branches of the service, his hon. Friend must know they consisted of engagements entered into with public servants who had served in a military or civil capacity, and were as much sancti-



fled by public faith as any other contract could be. But all these charges for interest, the civil list, and the charges on the Consolidated Fund, and for the non-effective service, amounted to 34,000,000*l.* His hon. Friend admitted that he would take 10,000,000*l.* for the Army and Navy and Ordnance; so that the miscellaneous estimates only remained. They varied from time to time, and were very much at the disposal of the House; but those amounted only to 3,800,000*l.*, making, with the other charges, 47,800,000*l.* for the amount of the whole expenditure. What was the margin, then, for reduction, so as to gain a visible relief to the labouring class? But his hon. Friend asked that they should give permission to the farmers to employ their lands in any cultivation they pleased—to run a-muck against the whole Excise duty collected for revenue; and he began with tobacco, which last year produced 4,400,000*l.* His hon. Friend asked why farmers should not be allowed to grow tobacco? That question had been asked for nearly 200 years. It had been resolved on previously to 1829, and tobacco was then grown in Ireland; but he believed it was found that to pay those who grew it, it required a protective duty of near 600 per cent, which it was not possible to give, and in 1829, after that trial, it was found absolutely necessary to rescind the privilege. His hon. Friend said he would leave every one to take upon his Motion such course as he thought fit. That was not a fair way to put a Motion before the House. When they put a Motion relating to the increase or decrease of taxation before the country, they should put it in an intelligible shape, so that the country might not misunderstand the decision of the House on the question. He would ask the House not to be caught by this Motion, or to deal with it in the vague manner in which his hon. Friend had laid it before them. His hon. Friend had laid a trap in a very ingenious manner, to catch all the birds in that House that might fall into it; but he would find that those in that House who thought upon this matter, and weighed the arguments that went forth to the public, were not to be caught by the light food with which he had baited it. He entreated them not to send forth their approbation of such a Motion; the effect of such a course would carry doubt and dismay to many men in all parts of the country, and, feeling convinced that such would be the case, whilst the abstract proposition was one that he

could not and would not deny, he should meet the Motion of his hon. Friend by moving the previous question.

MR. MANGLES had some special reasons for saying a few words on the present occasion—reasons having reference to his hon. Friend who had laid this proposition before the House. He had the happiness to be a near neighbour of his hon. Friend, and on almost every market-day he had the pleasure of meeting him in the borough which he (Mr. Mangles) had the honour to represent. After the last Session of Parliament, in the course of which his hon. Friend brought forward a Motion very like the present, but for which he (Mr. Mangles) did not vote, he was frequently taxed by his constituents for not having supported that Motion. He would tell the House, therefore, why he did not support his hon. Friend's Motion upon that occasion, and why he should not support it now. He had no such reliance on his hon. Friend's guidance—no such reliance on his political consistency, as would induce him to follow the lead of his hon. Friend on that or any other occasion. He was present with his hon. Friend shortly after the close of the Session of Parliament of last year—his hon. Friend must remember the occasion, it was at the White Lion, at a public meeting—when his hon. Friend took some credit to himself for supporting the Motion of the hon. Member for the West Riding. He had looked, therefore, with great confidence to see his hon. Friend give his support to the hon. Member for the West Riding on his similar Motion the other day. He saw, it was true, the hon. Gentleman in the House before the division, but he did not see him in the lobby. His hon. Friend seemed to intimate that he was not present. If it was not his hon. Friend who was in the House at that time, it must have been his double. But he was not in the division. *Abiit, evasit, erupit*; he did not vote for the Motion of the hon. Member for the West Riding as he ought to have done. That was one of the reasons, and only one, why he was not prepared to follow his hon. Friend; and, without intending him the least personal disrespect, he could not help regarding this as one of the Motions which the hon. Member for Middlesex called flash-in-the-pan Motions. He could not believe that his hon. Friend really intended to carry out any practical economy. He had not the good fortune to hear the whole of his hon. Friend's speech, but he

had no doubt that it was very instructive, and still more amusing. But though he assented, as he believed every man in the House must do, to the mere words of the Motion, he dissented from nearly every one of the arguments which his hon. Friend had used. In the first place, his hon. Friend seemed to assume that the agricultural labourers were the only people in the country. The manufacturers, and miners, and the shipping interest, and other numerous and important classes of the community, were almost ignored. He was prepared, however, to join issue with his hon. Friend on the condition of the agricultural labourer, and he asserted, that in that part of the country from which he and his hon. Friend both came, the great body of the labourers were in a better condition at this moment than they were before the removal of protection. On Sunday last he had been in a labourer's cottage; the labourer was not within, but his wife was. [*Laughter.*] Gentlemen might laugh—at any rate, his (Mr. Mangles's) own wife was with him. The labourer's wife told him that her husband was then employed under a farmer, whom his hon. Friend knew very well—Mr. Baker, of the Manor Farm. Before the abolition of the corn laws, he had been employed under a railway contractor as a horsekeeper, at 15s. per week, but he was now thrashing for Mr. Baker at 12s.; and the labourer's wife told him distinctly, several times, that she was better off now with 12s. a week than she had been with 15s., and had a larger command of all the necessaries and comforts of life than before. The hon. Gentleman who moved the Amendment on the Address on the first day of the Session, told the House that in Lincolnshire agricultural improvements had been carried as far as it was possible to carry them. Now, he did not pretend to say how this might be, for he knew nothing of Lincolnshire; but he had read a speech delivered at a public meeting by the Rev. Sir G. Robinson, relating to that part of Northamptonshire which bordered on Lincolnshire, where the rev. gentleman told his hearers that he had been recently in that part of the county, and that he had found there docks and thistles, which he should have believed were intended for fox covers if they were not so strong that the foxes could not break away from them. ["Oh, oh!"] He admitted fully that the joke was a very bad one; but it was not his: *it was the joke of the rev. gentleman—*

it was a protectionist joke. But speaking of parts of the country which he knew, he believed that there was an abundant margin for practical improvements to meet the whole fall in prices. He would give, as an instance of this, the case of a farm which was taken about two or three months ago in the middle of the panic. The farm contained 104 acres, and had been let to what was called in that part of the country a "smock-frock farmer," at a rental of 70*l.* a year. He was always in arrear, and his landlord prevailed upon him to give the farm up, upon condition of giving him time to pay up the arrears that were due. The landlord then took it into his own hands, and after thoroughly draining it, and building a new house upon it, it was let, in December last, to a highly responsible tenant for 130*l.* a year, for a term of fourteen years. That sum gave the old rent and 5½ per cent upon the whole sum laid out in the improvements he had mentioned. He believed there was hardly a farm in that part of the country to which he had referred which was not capable of the like improvement. His hon. Friend had spoken of the especially bad condition of the small landholders; but he would ask why the food of the whole community should be taxed to enable them to maintain their position? What did his hon. Friend suppose was the amount of the increase in the value of landed property in their part of the country during the last hundred years? Did he not believe that it had increased in value 100 per cent? He (Mr. Mangles) knew a case where land, which let 120 years ago for 16*l.*, was now held at a rental of 45*l.* per annum. The farmers, he contended, should not be told that their condition was utterly hopeless; that nothing but a change in legislation could help them; and that, without such a change, there was nothing for them but to lie down in a ditch and die; but they had heard so much of this sort of language, that every man who told them the truth, and that they must put their own shoulders to the wheel, was denounced and hunted down as the farmers' enemy. His hon. Friend knew how he (Mr. Mangles) had been denounced to his own constituents. The farmers, indeed, were like the Israelites of old, saying, "Prophecy smooth things; speak to us deceits;" and he was sorry to say that this had been the course pursued by his hon. Friend.

SIR R. PEEL said, he would imitate

the example of those who had preceded him, of briefly stating the general grounds upon which he should give his vote. The Motion of his hon. Friend the Member for West Surrey might be considered either in a commercial or a financial point of view. The right hon. Gentleman the Secretary at War regarded it as meant to imply an opinion on the causes of commercial distress, and that his hon. Friend really intended by this Motion to call upon the House to imply an opinion unfavourable to the commercial policy they had pursued of late years. He had that confidence in the frankness and openness of his hon. Friend, that he firmly believed that if his hon. Friend had intended to ask the House of Commons to express an opinion on the principle of the commercial policy they had recently adopted, he would have so framed his resolution as to bring that great question to some clear issue, and not by the use of equivocal phrases have attempted to gain an advantage which he could not have gained if he had used direct and intelligible terms. Still less could he believe that his hon. Friend really intended to imply an opinion unfavourable to the commercial policy which had been pursued, because he (Sir R. Peel) heard the other night his hon. Friend declare that in his opinion, on the termination of the war, it would have been utterly impossible to maintain by legislation a price of food in England higher than that which was maintained on the Continent; and his hon. Friend had taken credit for his sagacity in having previously to 1815 publicly expressed his opinion that they could not, by artificial means, by legislation, raise the price of corn to a higher rate than that which could naturally be maintained. Again, he had heard an extract read from some document—a document put forth, he presumed, with his hon. Friend's sanction—from which he (Sir R. Peel) inferred that, at no very remote period, the principles of free trade, or at least the abolition of legislative restrictions on the supply of food, had never had a more cordial, earnest, or persevering advocate than his hon. Friend. Now, coupling these more recent declarations with that credit for sagacity to which his hon. Friend laid claim for having foreseen that on the termination of the war the natural price of food as distinguished from an artificial one must be the price of food in this country, he could not, he said, share in the suspicions of the right hon. Gentleman

the Secretary at War, and believe that his hon. Friend did really mean by equivocal phrases to gain any advantage, or imply any particular opinion on the commercial question. He took the premises of his hon. Friend, and he thought that they justified his conclusions in favour of economy. But those premises equally vindicated the principles adopted in 1842 and subsequent years. There was hardly one of them that might not be justified on the premises of his hon. Friend. His hon. Friend said, "That whereas the present taxation of the country depresses all classes, and especially the labouring classes." Now surely the legitimate inference from that was, "that the House is of opinion that the House of Commons acted most wisely in 1842, and in subsequent years, in diminishing and repealing taxes which depressed all classes, and the labouring classes especially." Is not that a fair and legitimate inference from the premises? His hon. Friend might justly encourage us to proceed in our course, might ask us to declare "that it will be desirable, as soon as revenue considerations may permit, to remove those other taxes which press heavily on the labouring classes of the community;" but he defied him from these premises to draw any such conclusion as this for instance—"That this House is of opinion that it is desirable to revert to those principles of taxation which were in force before 1842, and to impose duties on the raw materials which furnish occupation for the industry of the labouring classes of the community." Still less would it be in the power of his hon. Friend to draw any such conclusion as this from his premises—"That the House is of opinion that the taxes which were reduced or repealed in 1842 and subsequent years—namely, the duty on corn, meat, live animals, salt meat, cheese, and butter, should be restored to their former amount." It was utterly impossible for his hon. Friend to draw that conclusion from his premises. No; that which his hon. Friend meant to declare by his resolution was this, that the taxation that remained pressed heavily on the productive industry and comforts of the labouring classes; and that it was desirable that all practical economy should be introduced into the public expenditure, with the view of permitting a further reduction of that taxation. That he believed to be his hon. Friend's Motion—that he believed to be his hon. Friend's view. He agreed with

the hon. Gentleman opposite (Mr. Cayley), that the merits of the commercial policy recently adopted must be mainly tested by the answer to this question—had the social condition of the labouring classes of this country been improved by the adoption of the principles of free trade? Had their comforts been increased? There might have been in some cases a diminution in the nominal amount of wages received; but the question was, speaking of the labouring classes generally, had their command over the comforts and necessities of life been increased by the abolition of the legislative restrictions on the importation of food? And he rejoiced that the hon. Gentleman said, and no doubt said truly, that if they could prove to him that the principles of free trade had really added to the comforts of the labouring classes, he would at once become a convert to free trade. The hon. Gentleman thus freely admitted that that was the test by which the merits of this great question were to be determined, and that if the comforts of the labouring classes had been increased generally by their increased command over the necessities of life, or over those small luxuries, few enough, which were within their reach, no other consideration could prevail to justify the continuance of restriction. So far as they could place any reliance on documents, and so far as they could judge of the present administration of the poor-laws, of the number of unemployed poor, so far even as they could form a judgment in some of the rural districts, they had no right to infer that the comforts of the agricultural classes had been curtailed by the abolition of the corn laws. In some parts of the country he was aware great distress prevailed; but the condition of the working classes was, as the hon. Member had truly stated, the test by which the merits of the question must be decided. Now, speaking, not only of the working classes generally, but of the labourers employed in agriculture in particular, he doubted whether they were not at this moment, after the removal of protection, better provided with all that was essential to the comfort and enjoyment of humble life than they had been whilst protection existed. His hon. Friend said that great distress existed amongst agriculturists at the present moment; but severe distress, and a corresponding demand for economy, had prevailed at other periods under a system of protection. In 1822, 1833, and 1836,

and the winter of 1841, when protection existed, agricultural distress was most severely felt, and coincident with it was a loud demand for economy. His hon. Friend would do well to consider whether the low prices of which he now complained—inasmuch as equally low prices had prevailed under a system of protection—ought to be attributed to the operation of free trade. In part, no doubt, they were attributable to that cause; but it had been conclusively shown, in previous discussions, that other causes, acting concurrently with the removal of protection, had made prices fall below their natural level. It was unnecessary to travel over the ground again, and to show that the prevalence of scarcity in 1845 and following years, throughout a great part of Europe, had given a stimulus to increased production, which might fairly account for the depression of which the agriculturists complained. His hon. Friend insisted on having free trade in everything, and said that any person in this country should be allowed to grow tobacco if he chose. How that could benefit any class, he (Sir R. Peel) was unable to perceive. Surely his hon. Friend did not intend to allow tobacco to be grown in this country free of duty, whilst a duty of 1200 per cent continued to be levied on tobacco imported from abroad. He must of course mean that tobacco might be grown in this country subject to excise regulations, and liable to the same duty as that paid upon foreign tobacco. The hon. Member said that he would have no favoured classes; but he would have a favoured class with a vengeance if he allowed tobacco to be grown in Wexford, and brought to market without payment of duty, whilst he taxed the tobacco grown in the southern States of the American Union to the amount of 1200 per cent. His hon. Friend must, of course, intend to subject home-grown tobacco to a tax corresponding with the customs duty levied on the foreign article; and if he should succeed in prevailing upon the House to adopt his suggestion in this respect, it was hardly possible to estimate the small amount of benefit which the agricultural interest would derive from it. His hon. Friend also insisted that the labourer should be permitted to grow his own hops, and corrected a mistake into which it appeared he (Sir R. Peel) had fallen in a former debate, in supposing that hops were gathered with the right hand; for it seemed the practice was for



hop-pickers to hold the plant with the right hand, and collect the fruit with the left. His hon. Friend lived in a hop county, and was charmed with the picturesque scene which would be presented by a labourer in a fantastic dress, on a delightful autumn evening, gathering untaxed hops to be applied to the manufacture of his own beer. His hon. Friend sympathised with the unfortunate peasant who was prevented from applying his own hops to the brewing of his own beer; but of what advantage would the removal of the restriction be in less favoured parts of the country than that in which his hon. Friend resided? Take the weavers of Paisley or Lancashire, for example—would those men deem it to be an advantage to be allowed to gather untaxed hops on condition that they should consent to the reimposition of duties on food? What reception did his hon. Friend imagine he would receive from these men if he were to say to them—"I will reimpose the duties on corn, bacon, cheese, butter, salted meats, and live animals; and, as a compensation, I offer you the permission to gather hops without legislative interference." The sympathy which his hon. Friend felt for the labourers of Surrey and Kent in respect to their hops, was worthy of more extensive application. It should include within its benevolent range the labourers to whom the privilege of growing hops or tobacco was nothing—to whom the free access to the main articles of subsistence was everything. Giving his hon. Friend full credit for a *bond fide* intention to recommend a resolution pledging the House to a course of economy, he (Sir R. Peel) came now to the consideration of that question. He was as strongly convinced as his hon. Friend could be of the necessity of economy. He (Sir R. Peel) did not vote for the Motion of the hon. Member for the West Riding on a former evening, because he believed that the statement of facts set forth in it was not strictly correct. He did not vote for it, because he thought that the principle of reducing the expenditure of this year to the standard of any particular former year was a fallacious one, and that an attempt to carry it out would lead to great inconvenience. He could have no prepossession personally against the Motion of the hon. Member for the West Riding, because he (Sir R. Peel) was First Lord of the Treasury in 1835, when those low estimates were adopted which the hon. Member would make the

model of estimates for all future years. At the same time he could not but recollect that, when in opposition in 1838, he urged the Government to increase the Navy Estimates, and that he then expressed the prevailing opinion of that part of the House which was unconnected with the Government. It was also impossible for him to forget that, although the Government over which he presided proposed reduced estimates in 1835, yet in 1845, when he was proposing, as First Minister of the Crown, the re-enactment of the property tax, and when he had every motive for reducing expenditure in order to conciliate the favour of the country towards the reimposition of the tax, he felt it his duty, looking to the circumstances of the country—to the vast extent of our colonial possessions—to the severe strain to which the physical strength of the soldier was subjected in consequence of the want of relief from colonial service, and to the danger of weakening his sympathies with the mother country, arising from too protracted a residence abroad, he felt it his duty to propose an increase of the Army to the amount of 5,000 men. In both cases, however—in the reduction of 1835, as in the augmentation of 1845, he and his colleagues were influenced solely by considerations of public duty. Giving the hon. Member for the West Riding credit for his lucid statement, and for suggesting many considerations well worthy of serious attention, nevertheless, for the reasons which he had stated, he could not concur in the conclusion to which the hon. Member had come. His hon. Friend the Member for West Surrey having been absent when the hon. Member for the West Riding submitted his proposition to the House, now came forward with a Motion which appeared to be more open to grave objection than the other. Both Motions concurred in deprecating taxation which pressed upon the labouring classes. The hon. Member for the West Riding proposed to reduce 6,000,000*l.* or 7,000,000*l.* of expenditure, whilst his hon. Friend the Member for West Surrey specified no particular amount of reduction, but declared his opinion that "adequate means should be forthwith adopted to reduce the expenditure of the Government." In that opinion he (Sir R. Peel) heartily concurred—no doubt adequate means should be adopted for that purpose; but past experience had taught him, that if the House of Commons was impressed with the necessity of

retrenchment, the best course it could take for effecting that object was to proceed gradually, to consider details, and to make reductions where the Government neglected its duty, rather than to put forth high-sounding declarations in favour of economy without pointing out any specific mode by which it could be accomplished. The House of Commons was very apt to have hot and cold fits as regarded economy. He had known the House at one time in favour, he would not say of lavish expenditure, but of a considerable relaxation of the national purse strings, and at another suddenly enforcing inconsiderate and precipitate retrenchment. In saying this, he was speaking of the reformed Parliament. Neither the principles laid down nor the course pursued by the reformed Parliament for several successive years had tended to promote economy. This he knew, that the Government with which he had been connected, and other Governments, had found great difficulty in preventing the House, when the hot fit happened to be on, from increasing the expenditure. It was his opinion, therefore, that systematic and progressive retrenchment was more likely to be effected by Government—by a Government inclined to retrench—than by the various and vacillating temper of the House of Commons. After what had passed during the last fortnight, the House of Commons would be placed in a peculiar position if it should adopt the Motion now submitted to it, because by the passing of that Motion it would justify the country in expecting that some vast retrenchment was about to be made. On what item of expenditure was such retrenchment to take place? He was sorry to hear his hon. Friend talk rather loosely about the preservation of public faith. Considering the name which his hon. Friend bore—considering his connexions, his position, and his high character, it was unworthy of him—and, in saying this, he meant to pay an unaffected compliment to his hon. Friend—to countenance lax notions with respect to the imperative obligation of observing faith with the national creditor. His hon. Friend said that he did not mean to violate public faith; but, then, what great department of expenditure did he mean to reduce? Reference had been made to the salaries of public officers; but the hon. Member for Oxfordshire had given notice of his intention to renew his Motion on that subject, and it would be better to leave the question to be discussed upon that occasion on its intrinsic

merits, than to prejudice it by adopting a vague and general resolution now. It might be taken for granted that his hon. Friend did not meditate an attack on the civil list; that he concurred in the opinion expressed the other night by the hon. Member for the West Riding, that the civil list being the result of a solemn compact between the Parliament and the Crown, ought not to be disturbed during the lifetime of the present Sovereign. Did he then mean to hold out a hope that any great reduction of the military force could be made? At an early hour that very morning the House of Commons had resisted an attempt to reduce the effective force of the Army below 99,128 men, by a majority of 223 to 50. At a later period of the day the House declared by a majority of 117 to 19, that it was necessary to maintain the whole naval force proposed by the Government, namely, 39,000 seamen, and 11,000 marines. Now, those two votes involved the whole question of the expenditure necessary for the military and naval services, and therefore under neither of those heads could his hon. Friend hope to effect any saving. This House also, on Friday last, rejected the Motion of the hon. Member for the West Riding, pledging the House to make a very large reduction in the general expenditure of the country, by a majority of 272 to 89. With what consistency could this House vote for a vague resolution in favour of retrenchment, after having so recently implied, or rather expressed, an opinion adverse to extensive reduction in any department civil or military? He (Sir R. Peel) was decidedly in favour of the policy and necessity of retrenchment. For what was said about the comparative lightness of taxation in this country, he cared nothing. There were many taxes pressing on the energies of the country and diminishing the comforts of the humbler classes, and their repeal, if it could be effected with good faith and public security, would be of inestimable advantage to the nation. Nay more, he would say that in time of peace, you must, if you meant to retrench in good earnest, incur some risks. If in time of peace you will have every garrison in every one of our colonial possessions in a state of complete efficiency—if you will have all our fortifications in every part of the world kept in a state of perfect repair, he ventured to say that no amount of annual revenue would be suffi-

cient to meet such demands. If you adopt the opinions of military men, naturally anxious for the complete security of every assailable point, naturally anxious to throw upon you the whole responsibility for the loss, in the event of war suddenly breaking out, of some of our valuable possessions, you would overwhelm this country with taxes in time of peace. The Government ought to feel assured that the House of Commons would support them if they incurred some responsibility with respect to our distant colonial possessions for the purpose of husbanding our resources in time of peace. *Bellum para, si pacem velis*, was a maxim regarded by many as containing an incontestable truth. It was one, in his opinion, to be received with great caution, and admitting of much qualification. He did not mean to say that we ought to invite attack by being notoriously unprepared for defence. There were some important means of defence, such, for instance, as the ordnance and navy, which could not suddenly be brought into action unless they were constantly maintained in a state of efficiency; but we should best consult the true interests of the country by husbanding our resources in a time of peace, and instead of a lavish expenditure on all the means of defence, by placing some trust in the latent and dormant energies of the nation, and acting upon the confidence that a just cause would rally a great and glorious people round the national standard, and enable us to defy the menaces of any foreign Power. It was said the other night that reference must be had by us to the warlike preparations of foreign Powers. That was true, but at the same time the conduct of foreign Powers in maintaining enormous military establishments ought to be a warning as well as an example to us. Though the great military Powers of the Continent might be proud of their strength, and might cherish the belief that by means of their vast armaments they secured themselves against attack, yet the cost of those armaments was exhausting their resources, and enfeebling their capacity for exertion by preventing the possibility of economy. No greater benefit could be conferred on the human race than if the great continental Powers were to consent to maintain their relative position towards each other, while each reduced its army to an amount of force, the maintenance of which would not exhaust its strength, and undermine the foundations of its prosperity. If the time for

a severe struggle should ever recur, the financial trial would be as severe as the physical one. If the Governments of Russia, Prussia, France, and Austria would have the good sense, without any disturbance of the balance of their relative strength, each to forego a portion of the enormous expense incurred by maintaining vast armies, they would not diminish their national security, and would greatly contribute to the happiness of their people. The conduct of foreign Powers must no doubt have a certain influence on our own course in respect to the maintenance of establishments; but he repeated there was a lesson of warning as well as of example. Those were his views with respect to the necessity of retrenchment. He would advise the House of Commons to apply itself to economy practically and consistently, and not to vote in the morning, by a majority of 223 to 50 for an Army of 100,000, and 117 to 19 for a Navy of 39,000 seamen, 11,000 marines, and 2,000 boys; and in the evening of the same day to pass a vague and general resolution, which will induce the country to believe that the House is about to carry out some great plan of retrenchment. He, for one, would not vote for a Motion which must end in delusion. Agree to the resolution, and the House would be apt to say, "We have performed a great duty—we have come to a glorious resolution in favour of retrenchment—we may safely repose on our laurels, and neglect the somewhat troublesome and invidious duty of attending to economy in details."

MR. NEWDEGATE said, that the right hon. Baronet the Member for Tamworth had not taken a very intelligible course in opposing the Motion of the hon. Member for West Surrey. After attempting to affix several inconsistent and inconsecutive deductions upon the Motion, the right hon. Baronet said it was impossible to believe that the Motion could be construed into any reflection upon the commercial policy adopted of late years; but immediately rushed into a laboured defence of the free-trade measures which he carried when last in power. The right hon. Baronet then seemed to come to the conclusion that the Motion had a purely financial aspect, and had stated that economy was necessary, but that he preferred to see it carried out by the Government rather than by the House of Commons. Now he (Mr. Newdegate) had been brought up in an old-fashioned school, in which he was taught

to regard this House as the keeper of the public purse. But, according to the right hon. Baronet, the House of Commons was not to decide upon the propriety or necessity of economy, but was to vest its whole discretion in the hands of Government, who should say whether economy was to be practised or not. He (Mr. Newdegate), for one, however, most distinctly objected to vesting them with any such discretion, and took upon him to assert that the right hon. Baronet had not, to his apprehension, laid down the true grounds upon which the Motion of his hon. Friend was submitted to the House. That Motion was submitted to the House in consequence of the condition of the country; and it called upon the House to consider the condition of the country, and to admit that economy was thereby rendered indispensable. The terms of the Motion were these:—

“That, whereas the present taxation of the country depresses all classes, and especially the labouring classes, by diminishing the funds for the employment of productive labour, it is the opinion of this House that adequate means should be forthwith adopted to reduce the expenditure of the Government.”

He thought that few men would be bold enough to declare that taxation did not diminish the funds which were available for the employment of productive labour, or that the farmers of this country do not employ more adult labour than any other class; and he appealed to any one who was connected or acquainted with the farmers of this country whether their capital was in such a position that it would bear any unnecessary deduction by means of taxation. Well, he should vote for the Motion of his hon. Friend. He had voted against the proposition of the hon. Member for the West Riding the other night, because he did not agree with the terms of his Motion, and did not think they were founded on fact. He should vote for the present Motion, because it was fully justified by the circumstances of the country, and was perfectly intelligible; and he warned hon. Gentlemen who, like the hon. Member for Guildford, refused to assert their principles when the opportunity for doing so was plainly brought before them. If they were in favour of economy and retrenchment, why not say so? But if they did that, perhaps they would find themselves obliged in consistency to support the Motion of the hon. Member for Oxfordshire for a reduction of salaries; and possibly hon. Gentlemen who sat behind the Treas-

ury bench did not desire to see themselves placed in a position that would not justify them in a refusal to support that Motion. The right hon. Gentleman the Member for Tamworth had denied that the free importation of corn had alone caused the present depressed prices for agricultural produce; but he asked the right hon. Gentleman if low prices were not the end and purpose of his commercial measures, why he had adopted those measures? If they were not intended to reduce the price of corn, he (Mr. Newdegate) could not see how the right hon. Baronet was justified in appealing to his measures as having afforded to the labouring classes the means of consuming untaxed food at the lowest price at which it could be obtained. But the right hon. Baronet did not deny that great distress did exist amongst certain classes; that there was very considerable distress amongst the agriculturists; but, speaking of the great bulk of the labouring classes, he maintained that their condition was improved. Now, what he should like to know, was the proportion of the great bulk of the labouring classes that the agricultural labourers composed. He was perfectly aware that certain documents had been published which contained a complication of unintelligible and delusive figures, by which a result was arrived at which would seem to place the agricultural interest and its dependants in a minority. Still he would defy any reasonable man to analyse the population returns, and reject the conclusion that the agricultural classes were by far the largest class in the country; forming, in fact, with those dependent upon them, more than half, and nearly two-thirds, of the population of the united kingdom; and the right hon. Baronet congratulated the House upon having conferred upon the great bulk of the labouring classes an unmixed benefit by the reduction in the price of agricultural produce, and in the same breath he admitted that the agricultural interest was in distress. He (Mr. Newdegate) was of opinion that distress in the agricultural districts was not so bad as it would be. The right hon. Baronet had referred to former periods of distress; but would he make the House or the country believe that their circumstances were not materially altered by his measures? And again, he asked, what were the end and purpose of those measures, if the future was to be like the past? The right hon. Baronet taunted the hon. Member for



West Surrey with inconsistency; but even if his hon. Friend did some thirty years ago write the pamphlet to which the right hon. Baronet had alluded, and in which he expressed opinions that were at variance with those he had lately maintained, he thought it was scarcely competent for the right hon. Baronet, in the year 1850, to have so completely forgotten his own conduct and speeches up to the year 1842 according to his own showing, but up to 1846 in the estimation of the country, as to render it competent to him to taunt the hon. Member for West Surrey with inconsistency in having changed an opinion which he entertained some thirty years ago.

SIR R. PEEL was understood to say that he had not taunted the hon. Gentleman with inconsistency.

MR. NEWDEGATE took the speech of his hon. Friend the Member for West Surrey to mean that he believed a new system had been of late adopted which engendered weakness in the country, depreciated its character, cast down the condition of its labourers, and tended to produce national poverty; and his Motion was consistent with his statement, for it was to the effect, that as the means of the people had been diminished, so the burden of taxation ought to be lightened. Now, one point to which he particularly wished to advert, because so great a misunderstanding prevailed respecting it, was the relative pressure of the taxation of the country upon the population at present, as compared with former periods. The weight of taxation during the war was often insisted upon by hon. Gentlemen opposite; but if they would compute the difference in the value of money at the two periods, by comparing the taxation during the war with what it was now, they would find that the amount in 1813 did not exceed that for 1849 by more than 625,000*l.* He was led to notice this subject upon the present occasion, because the right hon. Secretary for the Home Department had, on a previous night, in reply to the hon. Member for Buckinghamshire, boasted of the diminution which had taken place since the year 1813 in the poor and county rates. He compared their amounts, and certainly showed that there was a nominal diminution; but he made no allowance whatever for the difference of 23 per cent in the value of the money in which that taxation was levied, as compared with the present period. The right hon. Gentleman stated that in 1813 the poor and county rates

in England and Wales amounted to 8,646,841*l.*, and in 1849 to 7,674,146*l.*; thus showing a decrease of 972,695*l.*, or in round numbers, a million of money. Now the right hon. Gentleman was exactly 2,000,000*l.* wrong in that statement, and for this reason. If he had taken the trouble to refer to any of the documents which were accessible to the House, or had even have looked into M'Culloch's *Dictionary*, he would have seen that in 1813 the value of the currency was depreciated at least 23 per cent, and consequently that when he compared the taxation of 1813 with that of 1849 he ought to have allowed 23 per cent to make that comparison fair, or he would fall, as he did fall, into an error amounting to no less than 2,000,000*l.* Reduce the poor and county rates of that period to the same value as the currency of the present day, and they would find that they amounted to no more than 6,652,068*l.* So that the poor and county rates of 1849, being 7,674,146*l.*, instead of being less by 1,000,000*l.* than the poor and county rates of 1813, as stated by the right hon. Baronet, exceeded them by 1,000,000*l.* in round numbers, when the comparison was fairly made in our present money. Then, if the right hon. Gentleman will refer to the general taxation of the two periods, a similar result would appear. The revenue of 1813 was 68,748,393*l.* in the money of that time, which being depreciated to the extent of 23 per cent, made it in money of the present day 52,936,240*l.*, whilst the revenue for 1849 was 52,310,768*l.*, thus showing a difference of 625,472*l.* He begged the House to remember, therefore, when hon. Gentleman spoke of the taxation of war time, that the revenue of 1813 was but very little larger than that of last year. If he were told, "Oh, but the population has increased one third," and that, as the taxation was distributed over a larger number, it was lightened to that extent, he would ask them to consider this, that the agricultural produce of the country had been reduced in value 47 per cent since that time, and that the exports had diminished in value, as compared with their quantities, to the extent of 70 per cent. Did not this show that the means of bearing taxation in this country were far more diminished than the weight of taxation had been relieved by its distribution over a larger surface? He concurred most entirely in what had fallen from the right hon. Member for Tamworth with regard

to his desire to maintain the requisite establishments; but he could not concur either with Her Majesty's Government or with the right hon. Baronet in an attempt to set aside the consideration of this question. When the right hon. Baronet said that this House had hot and cold fits of economy, he warned him that the country had experienced a cold fit under their recent legislation; and that there was a general desire for relief from taxation which this House could not withstand, and which no man who represented a popular constituency had, under existing circumstances, a right to resist.

MR. EVELYN was understood to say, that the arguments adduced against the Motion did not appear to him to meet the case which had been made out. They had been told that the Motion of the hon. Member for West Surrey was too vague, and also that the Motion of the hon. Member for the West Riding was too explicit. He had been sent by his constituents to support retrenchment and economy, and he should vote accordingly for the Motion. If there was no chance at present of their returning to their old commercial policy, the only course open to them was to reduce the cost of production by the reduction of taxation.

COLONEL SIBTHORP said, he should vote with his hon. Friend the Member for West Surrey. As for the right hon. Baronet the Member for Tamworth, he did not then see him in his place, nor should he care if he never saw him there again; but he must say that he was consoled under the accusation of inconsistency, by the fact of its having been made by the father of inconsistencies. He was of opinion, no matter what other hon. Gentlemen might think, that the maintenance of the Army and Navy was necessary, not only for the purposes of defence from any invasion that may take place by foreign Powers, but to keep the peace on the part of the turbulent radicals and brawling free-traders at home. The hon. Member for Guildford said, that the labourers of this country were well off. [MR. MANGLES: I said they were better off than they had been.] He (Colonel Sibthorp) insisted that they were not better off; and if they were in any way well off, it was in consequence of the exertions of the conservatives and the tenant farmers, who had better feeling towards them than many of the hon. Gentlemen opposite, and who had determined to maintain the labourers during their dis-

tress, and prevent them from becoming the inmates of those bastilles, the union workhouses. The hon. Member for Guildford also talked about the farmers putting their shoulders to the wheel. Now, he would tell that hon. Member that they meant to put their shoulders to the wheel, and that in no underhand way, but in a straightforward manner, and he would assist them in shoving the present Government from the benches where they now sat, but not to replace the right hon. Baronet the Member for Tamworth, and with him his friend and ally the hon. Member for the West Riding of Yorkshire as Chancellor of the Exchequer. He believed that protection would yet be had, and that through the hon. Gentlemen who now supported the Ministers, probably as expectants, and probably because they were paid for so doing. They, he hoped, would be the first men to acknowledge their errors; and if they intended to hold their seats in that House, they must come round, and say at the hustings that protection should be the watchword. He hoped to live to see the day when they would retract their errors, and he thought that it would be soon; they would thereby bring the country into a safe harbour, where peace and contentment would be the lot of all classes of the community.

COLONEL THOMPSON had felt himself somewhat in the predicament of the navigator who, when asked to join in some doubtful religious ceremonial, said, "If this is the devil, I worship God." He had had some idea of offering his vote on the other side of the House under a similar protest, and would probably have done so had he heard nothing but the speech of the hon. Mover. But what was to be done with the speech of the hon. Seconder, who, with all the eloquence for which he was remarkable, impressed the House with the idea that every one who voted for the Motion must be held as voting to raise the price of corn? The bait was reduction of taxation; the hook protection to agriculture. The hon. Seconder avowed the object without any appearance of disguise; and he (Colonel Thompson) must, under these circumstances, be permitted to decline voting with the other side of the House.

MR. PAGE WOOD said, that when he found a Gentleman so distinguished as the hon. Member for West Surrey, than whom no one knew better how to express his meaning, bringing before the House an

abstract resolution, which amounted to nothing but a political truism, he was obliged to ask if that hon. Member did not mean something else. He (Mr. Wood) was not fond of imputing motives to Gentlemen who brought forward Motions in the House; but when nothing could be found in the Motion itself when it was read, hon. Members were obliged to fancy that it did mean something. What that something was would be best gathered from those who supported the proposition. By far the larger portion of those supporters had talked of the miserable condition of the farmers in consequence of the alterations which had been produced by measures of free trade. Then everybody who had been at a loss to discern the meaning of the Motion itself, would, supposing it to be carried, view it as a great triumph, and that it put an end to free trade. Somebody else might adopt the interpretation which he, for one, could wish to be the right one, and might think at last some relief might be coming; and that some reduction in the expenditure upon the Army and Navy was really at hand. But that would be an entire delusion, and Members would be obliged to tell their friends out of doors not to pin their faith upon that interpretation; for the hon. Gentleman proposing this Motion, instead of voting for a proposed reduction of the Army and Navy, walked out of the House without voting. Therefore this latter supposition could not express the meaning of the resolution. Some impenetrable mystery hung over it. It would be an equal delusion were the country to suppose that by the success of this Motion they would be one step nearer the benefits proposed to be gained by it. Did anybody believe that if some other measure for real and actual reduction—for something to be absolutely done—were proposed, that hon. Gentlemen sitting opposite, except some four or five who had voted in a different direction to the rest on other occasions, would support that measure? He saw no utility in carrying an abstract resolution of this sort, which would have no effect whatever upon the policy of the Government or the existing state of things; and as he did not think it right that the people should be so deluded he should support the previous question.

MR. STAFFORD regarded the observations of the hon. and learned Member who had just resumed his seat, as a sign of the times. The meaning was that he would not vote for the Motion, be-

cause not only he, but everybody else, must agree with the principle it asserted. On the present occasion, as when the Motion of the hon. Member for the West Riding of Yorkshire was discussed, the Government availed themselves of the different parties for the purpose of defeating each in turn. By this balance of parties, the Government, between the two adverse sections, and occasionally, or nearly alternately, appealing to the one or to the other, gained their majorities and retained possession of their offices; and another result was, that the House collectively refused to pledge themselves to any course of reform either definite or indefinite. There might be some matter for mirth in this, but there was little hope for the stability and security of our institutions. But a state of things might be nearer than those in office would like to contemplate, when Members of that House might be compelled by the strength of circumstances no longer to consent to keep any Government in office by this balance of parties, and this play of voting; but that constituencies would say to their representatives—whether their present representatives or those they might hereafter select—you must compel the Government to enter upon a system of retrenchment; a difficult question, formidable and dangerous in regard to the institutions of the country, that he was certain the noble Lord at the head of the Government would be the first to regret. ["Hear, hear!"] He heard the right hon. the Secretary at War cheering what he had asserted; but, far from being daunted by that cheer, he reasserted it. [MR. F. MAULE: What do you mean?] He would tell the right hon. Gentleman what he meant. He meant that when they had placed the agricultural community of this country in a position that they felt their property had been utterly destroyed by the legislation of that House—and here he was neither defending or accusing them, but merely stating to the House what was working in their minds—when they found themselves in that position, they did not see that their attachment to the aristocracy of the land compelled themselves to support expensive institutions of which they had ever been the foremost champions. Hon. Gentlemen opposite who advocated the repeal of the corn laws knew well—what more would now soon know also—that in reality that repeal was agitated, not from politico-economic but from democratic motives.

His hon. Friend the Member for West Surrey alluded to what the right hon. Baronet the Member for Tamworth had said was the greatest of all questions—the public credit. There had been frequent allusions, indeed, to the public credit during the course of this discussion—more frequent, he thought, than was quite satisfactory to hear—which might tend to excite some degree of alarm. But let it never be forgotten that, when the public faith was referred to, and when the agricultural constituencies—he did not say the agricultural Members now in the House, but confined himself to warning the House that the present agricultural Members might be changed, and that successors might be appointed with other feelings and different views—when the farmers, blame them or not, felt that their property had been sacrificed, they felt also that it had been sacrificed under circumstances to which the epithet of public faith or public honour was little applicable. These questions must be looked in the face, and the time had come when they must be boldly met. He trusted, however, he should not be accused of counselling these things. He only availed himself of the opportunity of putting before the House the difficulties of the position of Members of that House at present, not only with regard to their own constituencies, but with respect to the entire system of expenditure, of commerce—in fact, to the whole manner of conducting public affairs. He only hoped that those who advocated the changes that had been made, were now prepared not only to keep them in the position they now were; that they would not content themselves with seeing the further application of their principles distantly postponed, but would show how the principles they had so loudly extolled were compatible with the security of our institutions, and how, while they were prepared to resist any return to the system they proposed to abrogate, they were likewise prepared to carry out their new system in its consequences, even to their own injury and disadvantage. The right hon. Baronet the Member for Tamworth had alluded to the article of tobacco; and in return to the question why the British farmer might not be permitted to grow his own, he had asked whether he would desire to have an excise regulation of 300 per cent upon his crop as an equivalent for the customs duty exacted from the foreign growers. They (*the protectionists*) were not called upon to say whether they would or not. That was not the argument. The other side said, we must have free trade. Then let us have free trade, leaving the duties to be considered as a question of revenue. But it was said the revenue could not afford the sacrifice. Why, that was exactly what had been always contended for and as constantly denied. Now it was their (*the protectionists*) turn, and they demanded either a return to the old path, or the carrying out of the new principles to their benefit as they had heretofore been put in force to their injury. Let the free-traders either give the benefit as well as the injury of free trade, or show how they would legislate consistently and fairly on a one-sided system. The right hon. Member for Tamworth had asked what good it would be to the farmer of Wexford to grow a little tobacco? But it did not concern a farmer in Wexford only; for it was well known to be a question affecting the whole of the south and west of Ireland, in a great portion of which tobacco could be grown at this moment, and it was well known that in the time of the famine nothing had been more welcomed by the poor man than a little tobacco. Seeing other nations less taxed and with advantages not possessed in this country were not consenting to march in our free-trade course, but were protecting their own agriculture, he would ask how hon. Gentlemen opposite were prepared to deal with all these complications and opposing interests? The aspect of affairs was becoming more serious every day. The House had been told by the right hon. Baronet the Member for Tamworth, by the whole Ministerial bench, and he believed by the hon. Member for Westbury, that the price of corn would certainly get up. Then he put the plain question to them—would they tell the House at what price cheapness ceased to be a blessing, and became a curse? If cheapness was their all in all, why had they conjured up the bright vision of approaching cheapness, if it were to be so soon dimmed by the clouds of returning high price? There was no hope for relief under the present system, until those who suffered from it protested against all one-sided legislation, warned the Government against the coming danger, and told them that no majorities in that House, no apparent triumphs of practised debaters, could convince a set of men whose fortunes had been sacrificed by legislation, that they should continue to entertain those feelings



of kindness and respect which they had been accustomed to feel for what they had ever stood firmly by—the great institutions of the country.

LORD J. RUSSELL: Sir, it was not my intention to have addressed the House on a Motion which appeared to me so vague, and so susceptible of any kind of interpretation which any hon. Member who might speak might be pleased to attach to it, that it would be difficult to collect what the sense of the Motion would really be if the House agreed to affirm the proposition. But the hon. Member who has just sat down, has made this cool of the evening so very warm by his speech, that I cannot help taking notice of some of the doctrines he has put forth. Let me, however, first allude shortly to the subject of the Motion itself. I understand the hon. Gentleman to move that there ought to be some large decrease of taxation, and some great reduction in expenditure. Now, the hon. Gentleman who last spoke, seems to imply that we are evading all reduction by the course we are taking. But it appears to me, on the contrary, that the course we take is the way by which reduction can be effected. I will take the question in the form upon which the great majority of the House seem to have more decided views than those expressed by the hon. Mover. We have some 28,000,000*l.* to pay for the interest of the national debt, other sums for the Consolidated Fund, and we have to meet the whole of the half-pay department, with other sources of expenditure, and we should have very little upon which we should be able to make a large reduction unless we were to reduce the establishments of the Army and Navy. But the right hon. Baronet the Member for Tamworth has asserted, and truly, that after our votes upon the numbers of the Army and Navy, it could not be supposed that the gist of the Motion of the evening was to reverse the votes of the morning, so that how the hon. Gentleman was to arrive at any great reduction of taxation by any great decrease of expenditure it was impossible to imagine. The hon. Gentleman the Member for Oxfordshire is going to bring forward a Motion by which he proposes to take off 10 per cent from official salaries. That Motion might be good or not—it might be adapted to the circumstances of the times, or the contrary. But if they agreed to it and deducted 10 per cent from the salaries of all the Ministers holding office in the Cabinet, and from

the heads of departments in the Government, it would amount to the sum of 4,000*l.*; and what would be the great reduction in taxation that would arise from that saving, I must leave the hon. Gentleman to explain. If you have to meet the half-pay, and other expenditure to which you are bound, and if you think the numbers of the Army and Navy not excessive—that, in fact, hardly any reduction could be made—what amount of remission of taxation would you be able to make? The hon. Gentleman says that we have gained a great advantage by on one night opposing Motions made by hon. Members on this side of the House, and on another night opposing Motions proceeding from hon. Members sitting on the other side. All I can say to that is, that if it had been our object to have a certain majority with us, it would have been far more to our interest to take one of the courses which hon. Members on either this or the other side have proposed. If we had taken the course proposed by the hon. Member for Montrose, of making a large reduction in the Army and Navy, and had adopted generally the policy he advocated, we should, in that event, have had that support which he and those who sit with him could have given: or, on the other hand, if we had been able to say, with the hon. Gentleman opposite, that there ought to be a restoration of the import duties upon articles of food, although we might have proposed very small duties, upon corn, and articles of that kind, we should have had the support of those hon. Gentlemen. It is, therefore, putting ourselves in a difficulty, and not giving ourselves any advantage, by not acting with the one side or the other, when we say that we do not agree with those who propose a large reduction in the establishments, and when we say, also, we cannot agree to a return to the principles and measures of a protective policy. And why do we do this? Simply for this reason—that such is our conviction. The hon. Gentleman opposite, however, seemed, in one part of his speech, to lose sight of that reason; for he told us, that, if we went on in this course, those who sat on the other side of the House, and supported us when measures were proposed to us to which we objected, would become inclined to vote for measures dangerous to the institutions of the country. It is impossible for me to believe that the hon. Member has any foundation for that statement.

MR. STAFFORD: I beg the noble

Lord's pardon; he has misunderstood me. What I stated was, that we might be removed, and that measures of the kind might be proposed by our successors.

LORD J. RUSSELL: The hon. Gentleman in the first part of his speech made no such reservation, but said that votes would be given for measures dangerous to the institutions of the country. [Mr. STAFFORD: No, no!] But I am content to take the other form now suggested by the hon. Gentleman, that hon. Gentlemen who do not entertain such opinions will be succeeded by others who do entertain them. If the first interpretation placed on the words of the hon. Gentleman be the correct one, what he said would be a libel upon the parties to whom he alluded; but taking the second as the proper interpretation, then what the hon. Gentleman alleged was a libel upon the constituencies of the country. I do not believe, because their opinions are not suffered to prevail, because this House has adopted a view with respect to the policy of the country in commercial matters which is opposed to the opinions of the electors of counties, that, therefore, those electors would send to this House men inclined to vote for measures which hon. Gentlemen opposite think would be dangerous to the institutions of the country. I am confirmed in this belief by observing that a noble Friend of mine, from whom I differ on this subject, but whom I also regard with the highest respect—I mean the Duke of Richmond—when attending a public meeting, at which some one said that the farmers were no longer loyal, immediately followed that speaker with great indignation, and appealed to the meeting that the loyalty of the farmers was intact; and I find, too, that the Duke of Richmond was supported in that sentiment by the cheers of the whole meeting. I cannot, therefore, assent to this reflection of the hon. Gentleman—injurious, as I regard it, to the constituencies of the hon. Gentleman himself, and of those who think with him. Then the hon. Gentleman has resorted to an oft-refuted fallacy on this subject of free trade and protection; and, referring to the right hon. Baronet the Member for Tamworth and to the hon. Mover of the Motion, he asks that the farmers should have free trade and be allowed to grow tobacco. So far as this subject is concerned, the question is whether they could grow tobacco, with a duty upon the foreign article; and *if the opinion is correct*—and it may be a

sound one—that tobacco might be grown in this country, if free of duty, as against the foreign, which bears a duty, not, as represented by the hon. Gentleman, of 300 per cent, but of 1200 per cent, then the question arises, whether, with a 1200 per cent excise tax to countervail the foreign duty, the farmers would be able to engage in the cultivation of tobacco. So much, then, for one of the great grievances which have been brought forward. But there was another grievance advanced—that the farmers were not allowed to moisten and dry their own barley, and that the malt tax interfered injuriously with the consumption of the produce of their land. But here no question of free trade arises, for no foreign malt comes into this country free of duty, and the farmer is not subject to any duty to which the foreigner is not liable. It is purely a question relating to the taxation of the country. The malt tax was increased in consequence of the wars in which we were engaged. I do not know what the hon. Member for West Surrey thinks of those wars, but we have to pay 24,000,000*l.* a year in consequence of the American and French wars, and I am not one of those who believe those wars were wisely undertaken. I think both were unnecessary; but having been undertaken, and debts having been incurred on account of those wars to individuals, those debts must be paid, whether those wars were justifiable or not. The malt tax, then, was one of the burdens which was increased in consequence of the war. Then the hon. Gentleman had asked another question; he had asked the supporters of free trade to explain when, in their opinion, cheapness ceased to be a blessing; and a similar question had been put to them by other Members in the course of the Session. It was said, “These gentlemen tell us that they expect a rise in the price of corn, and hold that up to us as an advantage in prospective: how can they regard it as an advantage when they are always saying that we ought to have low prices in order to make corn cheap, and that it is our duty to buy in the cheapest market?” I think all these misapprehensions have arisen from a sentence of Adam Smith, which has been somewhat misinterpreted. He says that a nation which pursues its true interest would act just like an individual—that it would sell in the dearest and buy in the cheapest market. What I understand by that sentence is, that a nation should be allowed to pursue its own

interest just as an individual would. It does not mean that a nation is to be compelled by law either to buy cheap or sell dear. If persons choose to buy a dear article they should be at liberty to do so; so also if it happen that they should prefer a cheap article; but what is essential in legislation is that you should not interfere merely for the purpose of making any article dear which would otherwise be cheap. That is all that legislation is concerned in. If you have to raise taxes for the purpose of revenue, you may have to lay them upon articles which will make them dear, and thereby they are, as this resolution says, a great evil to the country, and "diminish the funds for the employment of productive labour." If you want taxes for revenue, and revenue is absolutely necessary for the service of the State, impose them for that purpose; but it is not a right principle to impose a tax merely for the purpose of making any article, produced by a particular class of the community, dear, and thereby injure the consumer of that article in favour of the producer. That is the whole doctrine; and it is not any object of legislation to say, we should pass laws for the particular purpose of making the article cheap. We only say we will allow the people to buy as cheap as they can get it, either in this country or from foreign countries, and it is an injury, without you have this necessity for revenue to which I have referred, to come between the consumer of corn and the foreign producer, saying, "You shall not obtain that corn so cheap as you otherwise might, because we wish to favour the producer as against all other interest." I am merely stating this because I think the principle has been so often misapprehended. It follows from what I have said, that, as to legislation, we have no business whatever with questions as to how cheap or how dear an article may be. If there is an extraordinary production in foreign countries as well as in this country, there then arises the species of cheapness at present existing, that is, an extraordinary cheapness arising from particular circumstances; but from that time production is checked, and prices will rise. Just as, upon the other hand, if there were a very high price, you must expect a greater production in the next year, and a consequent change in prices. But with regard to interference to make the article either dear or cheap, the principle of free trade is, that *legislation ought not to interfere either one*

way or the other. And if it does so happen that, by demand, any article comes into great request, and thereby the price is increased, that which is naturally a high price arising from demand is, I think, a beneficial and wholesome state of things with which legislation should by no means interfere. It is quite the contrary if you have an artificial dearness produced by legislation, if you say you will make such dearness by Act of Parliament, and will not allow persons by their own industry to procure their subsistence in the cheapest manner in which it can be had. If this doctrine be true, there is no truth whatever in the assertion of the hon. Gentleman and others, that they have only a one-sided free trade. They have free trade in most articles; and it is not pretended, for it cannot be pretended, that this House is bound to abolish taxes which are necessary for the purpose of revenue. You are only proving that higher taxes are laid on, not for the purpose of favouring one class against another, but for the purpose of raising the revenue which is absolutely necessary. Let us not have now, as we had some ten or twelve years ago, two sets of taxes, one of very large amount paid to the Exchequer for the benefit of the State, and another also of very large amount paid into the pockets of individuals, or a class, for the benefit of those individuals or of that class. In this point of view, I think the views of the hon. Member for West Surrey in proposing this Motion are singularly inconsistent with the Motion itself, because we have to bear very heavy taxes. If the wars we have undertaken, the debts we have incurred, and the establishments necessary to be maintained, even in the judgment of the most economical Members of this House, require a large amount of taxation, let us not add to the burden by another species of taxation, which is not to go into the Exchequer, but which is intended solely to benefit one class of the nation at the expense of another. For these reasons, and for others which have been stated by my right hon. Friend the Secretary at War, I cannot assent to the Motion of the hon. Gentleman the Member for West Surrey. I shall, therefore, vote for the previous question, especially as I think the resolution itself would serve no good purpose.

LORD J. MANNERS did not mean to enter upon any review of the somewhat learned, though particularly unsatisfactory, essay of the noble Lord at the head of the

Government, upon the doctrines of free trade. Nor, indeed, was any review necessary, because the noble Lord, in his concluding sentence, admitted all that his (Lord J. Manners') hon. Friend the Member for West Surrey was contending for. The noble Lord said, for example, "in imposing duties, let us take care to impose none for the benefit of one class and the prejudice of another." The proposition of his hon. Friend was a simple corollary of that proposition, for "in taking of taxes," said his hon. Friend, "let us take care we do not prejudice one class for the benefit of another." His hon. Friend added that, by the system which had been adopted, several great classes had been prejudiced; but he was now told that by having prejudiced them, another great class of the community had been benefited. The noble Lord, nervous at the state of parties in the House, and still more nervous at the feeling growing up in the country, had thought it necessary to defend the farmers from what he concluded to be an imputation upon their loyalty by his (Lord J. Manners') hon. Friend the Member for North Northamptonshire. All that his hon. Friend said, and all he intended to say, amounted only to this, that the farmers of England, loyal as they always had been and would be to their Sovereign, might say, if the system of unjust and partial free imports were maintained to their destruction, "the time has now come when we must press for those retrenchments, regardless of the consequences, which may be detrimental to the maintenance of the institutions of the country." The right hon. Gentleman the Secretary at War opposed the Motion mainly upon the allegation that the great mass of the people never were in such favourable circumstances as they were at present. But they were always told that it was the great mass of the labouring classes who virtually paid the taxation of the country. Then he wanted to know, if the great mass of the labouring people were in the prosperous condition that had been described, what meant the numerous petitions presented to the House for a reduction in the amount of taxation, which they were said chiefly to pay? He wanted to know why, in the year 1850, after the new commercial system had been so happily established, and after it had been attended with such beneficial results, the House of Commons was called upon, both by the agricultural and commercial representatives, to diminish the

amount of taxation, while at the same time Her Majesty's Ministers, no doubt with perfect truth, said they had adopted every possible retrenchment in the public service? The right hon. Gentleman the Secretary at War read the circular which had been addressed to the heads of departments in consequence of the success of his hon. Friend's Motion last year; and it was added, on the part of the Government, that they had adopted every practicable economy. The House, therefore, now found these two extraordinary concurrent facts: on the one hand, that all classes of the people were agreed in saying they were overburdened with taxation; and on the other, that the Government had reduced the amount as far as they possibly could. The hon. and gallant Member for Bradford said, his constituents were tolerably well off, though they pressed him a little with their burdens; but how was it the House had not heard from any Gentleman connected with Lancashire, or the cotton districts, any expression that they regarded with complacency and satisfaction the future of cotton? Why was it they had heard nothing of the often-repeated sneers at competition with America? Was it because there was hardly a Gentleman connected with Manchester who did not know that at no distant day the whole people of the United States would be clothed in garments of American manufacture? He supposed the hon. Gentleman who had recently taken so prominent a part in the peace movement would say it was not to America the manufacturers of Manchester looked for an extension of the cotton trade, but to China, whose market had been so peacefully and so righteously opened to them by bloodshed and injustice; and the right hon. Baronet the Member for Ripon had in a former debate referred in terms of considerable satisfaction to the great increase which had taken place in the consumption of tea. It was painful to attempt to refute such statements of prosperity; but he must call the attention of the House to the last trade circular of Messrs. Littledale and Co., of Liverpool, which would show that all the notions about the enormous commerce likely to be carried on between England and China had been most seriously dimmed and endangered. The rule of this commerce had been described to be a chest of tea for a bale of cotton, and a bale of cotton for a chest of tea; but what at this moment was the working of the trade? Messrs. Littledale's circular, dated the 4th



inst., contained the following ominous statement:—

“Great complaints are made of the bad state of the country shopkeepers in the country districts. We have closely questioned some of our wholesale grocers and tea-dealers, who assure us that there is no disguising the fact that such is the case, and that the general answer received from their travellers is, that ‘they can get neither money nor orders.’”

He would direct the attention of the right hon. Baronet the Member for Ripon to the conclusion of the circular, which was as follows:—

“The serious falling off in the deliveries of sugar, coffee, tea, and cocoa for the two months of this year, compared with those of the last, but too truly confirms these complaints, and are perhaps the most alarming features in our present prospects.”

He did not know whether the linen trade of Ireland offered much more favourable symptoms for the future; and the House would recollect that the other day the right hon. Baronet the Secretary of State for the Home Department used an expression with reference to Durham, to the effect that in a mining district we must expect to see distress. The time then was approaching, and it would shortly arrive, when the cry of distress, already so great, would be still greater; and when the House would hear from the hon. Member for Montrose statements far more appalling than those he made last night. Five hundred distress warrants, said the hon. Gentleman, had been executed in a single parish in the metropolis; and the hon. Gentleman who represented that constituency declared that he could not say the condition of England was flourishing. Flourishing! It was only flourishing in the tropes and figures of the hon. Gentleman the Member for Wolverhampton who moved the Address. It was only flourishing in the anticipations of the hon. Gentleman the Member for Westbury—anticipations which never could be realised; and unless the price of corn rose, to the great delight of hon. Gentlemen opposite, those most inconsistent votaries of free trade, and to the consolation of Her Majesty’s Ministers, however they might defeat Motions of this kind, they might depend upon it that Session after Session they would return upon them with double power from both within and without the walls of the House. He put it then to Her Majesty’s Ministers, whether they could maintain the taxes which his hon. Friend the Member for West Surrey had described as taxes which pressed upon the industry of the people

far more injuriously than those duties which the noble Lord had helped to repeal. And now he would ask, what was the accusation of inconsistency which had been made against the party who intended to support the Motion of his hon. Friend? Why, that last night they declined to diminish the military and naval service of the country. A more unjust charge of inconsistency was never made. The Motion of his hon. Friend was of a general character, and it was not inconsistent with the maintenance of an adequate naval and military force. The hon. Gentleman the Member for Montrose wished to strike off a definite number of men from the Army and Navy, whom his (Lord J. Manners’) friends thought could not be spared, and therefore they opposed the proposition; but the Motion of his hon. Friend the Member for West Surrey was one which every Gentleman belonging to the Financial Reform Association was unquestionably bound to support, if he wished to be consistent. The right hon. Gentleman the Secretary at War said the terms of the Motion were vague, and he resisted it in a speech quite as extraordinary as that of the hon. and learned Member for Oxford. The right hon. Gentleman opposed a “vague” Motion by the vaguest of all means, namely, by moving the previous question; and hon. Gentlemen who were pledged to support every Motion for economy, intended to evade a proposition which affirmed the necessity for economy. They might carry the previous question, but the subject would be renewed over and over again, until they could not, and dared not, repeat this method of shelving it. His friends supported the Motion, because it left the responsibility of it to a certain extent, where it ought to be left, upon the shoulders of the responsible advisers of the Crown; they did not take it upon themselves to say in what particular departments of the State retrenchments should be made; but they affirmed that retrenchments must be made. Whether they were to be effected by reducing the salaries of Gentlemen holding office, and lowering the wages of the men employed in Her Majesty’s service, or whether we should return to the old system of government and abolish all commissions, it was not for them to declare; but, under the circumstances of the country, they held that the present amount of taxation could not, with justice, continue to be imposed upon the people. On these grounds he should vote for the

Motion; and he was not the less disposed to support it, because some hon. Gentlemen said it was equivalent to a return to protection. Nothing, however, could be more clear or distinct than the way in which his hon. Friend had guarded himself against such a supposition. Still, if hon. Gentlemen chose to have it so, he should not be deterred from supporting it by any such insinuation. The present amount of taxation could not be maintained. Some step or other must be taken in relation to it. His hon. Friend the Member for West Surrey then had put an alternative, which the right hon. Baronet the Member for Tamworth admitted was a fair carrying out of his principles. The fault would rest with the House if they negatived it. For himself, he supported the Motion in the spirit in which it was framed; and he was not at all disinclined towards it, because it was a practical protest against an unjust system, a system which was crushing the industry of the English people, and which was incompatible with the maintenance of our historic empire.

MR. BRIGHT: If I were a person somewhat unduly influenced by authority, I should be puzzled as to my vote on this occasion; for the right hon. Gentleman the Member for Tamworth, who is justly considered a high authority, has spoken against the Motion of the hon. Member for West Surrey; the noble Lord on this side of the House has taken the same course; my hon. Friends the Member for Bradford and the Member for Oxford have each taken the same line, and have given us the reasons why they oppose the passing of this resolution. Although much has been said that I cordially approve of, and especially in the speech of the right hon. Member for Tamworth, yet I confess I cannot see the difficulty in which men of my opinions and practice in the House need to feel themselves, in regard to the resolution of the hon. Gentleman. I have read the resolution with care, and I am anxious that the House should not depart from the resolution and persuade themselves that they are taking a right course in opposing it, because it may have been supported by some injudicious friends of the hon. Gentleman, and by arguments which cannot fairly be brought in support of it. The resolution is but half the resolution which the hon. Member moved last year; it is a much milder Motion than that which he made last year; it is merely expressive of the *opinion of the House*—

"That whereas the present taxation of the country depresses all classes, and especially the labouring classes, by diminishing the funds for the employment of productive labour, it is the opinion of this House that adequate means should be forthwith adopted to reduce the expenditure of the Government."

Looking at this resolution as it stands, for I did not hear the speech of the hon. Gentleman, having only entered the House whilst the right hon. Baronet was speaking, I argue from it that the hon. Gentleman means that the propositions which the Government have introduced to the House this Session, although they do, to some extent, lessen the expenditure of the country, yet that they do not go so far as the hon. Gentleman thinks they might, and the necessities of the country require. I hold that opinion, and holding that opinion, I am bound to say this resolution comes before me as exceedingly reasonable and proper, and one which either side of the House might with great propriety adopt. The speakers from the Treasury bench who have addressed the House to-night think the resolution of no use; that it is exceedingly vague. I have no doubt it is vague to some extent; and we can always find fault with resolutions we do not wish to vote for. We are all very ingenious in discovering excuses for opposing a resolution which it may not be convenient for us to support. What is the proposition of the right hon. Gentleman the Secretary at War? Is there any thing very distinct in that? He moves the previous question, which is simply to say that it is inconvenient now to discuss this subject, and still more inconvenient to vote upon it; we do not deny the truth of the resolution, but it is more convenient not to express an opinion. If the House thinks economy not of great consequence, and if the people out of doors do not think economy of much consequence, we may vote for the previous question; but if the House is in favour of economy, and if the country is still more in favour of economy than the House, then I think we are bound on this resolution being proposed to give it our support, and not attempt to escape from it. The right hon. Gentleman the Secretary at War alluded to a resolution which was passed in the House last Session. I will read it to the House:—

"That whereas a greater amount of taxation is levied upon the people than is required for the good and efficient Government of the United Kingdom, and whereas large sums are expended in supporting needless places and unnecessary works and establishments;—"

the rest of the resolution was precisely that which the hon. Gentleman had moved to-night. On that occasion the noble Lord the Member for Middlesex, who is a good friend of the Government, moved an Amendment, which was lost, there being 71 votes in favour of the Motion, and 68 in favour of the Amendment. The right hon. Gentleman the Secretary at War has told the House that, in consequence of the adoption of that resolution, the Government issued a circular to the various departments. They sent this circular to all the branches of the public service, stating that it was necessary that a rigid economy should be carried on in all the departments of the public service; and in doing this the Government has shown a proper respect for the unanimous decision of the House. This statement of the right hon. Gentleman is most conclusive, because if the resolution of last year induced the Government to issue the circular, and if we see several reductions of expenditure this year, which were not proposed last year, we may fairly conclude that if the House should sanction again a resolution of economy, such as was sanctioned last year, that the Government who were disposed to carry economy further than they had lately done, would receive this as a gentle admonition from the House to preserve the same line of conduct, and they would have the sanction of the Parliament strengthening them in all economical changes against all those unseen and pernicious influences which are ever opposed to retrenchment. In the remarks of the right hon. Baronet the Member for Tamworth, respecting the proceedings of the previous evening, and the large majority that voted in favour of continuing an expenditure of 12,000,000*l.* or 13,000,000*l.* for the Army and Navy, there was some force. He (Mr. Bright) voted in the minority, in favour of the Motion of his hon. Friend the Member for the West Riding, on Friday, and would have voted in favour of the Motion of his hon. Friend the Member for Montrose on Monday night, had not circumstances prevented his being in the House. Now, if those who voted in the minority on those occasions were consistent in the course which they had heretofore pursued, he conceived that they were bound to vote for the resolution now proposed. Hon. Gentlemen opposite, however, viewed the matter differently. They did not vote for the Motions of the hon. Members for the West Riding and for Montrose, and on that account had placed themselves

in rather an awkward predicament. They did not in general show much mercy to the right hon. Baronet the Member for Tamworth, and could scarcely wonder, when they left themselves so open to his quiet sarcasms, that he should have made the House some amusement entirely at their expense. If he (Mr. Bright) were in their position, he would really come to some definite conclusion—he would either be for economy or he would not. He did not complain of their being in favour of economy because the corn law question was settled. He did not seek to convert the present into a corn-law debate—that was the policy of the officials. He wanted to make it a debate on economy, and nothing else. Whether present low prices arose from free trade, or from any other cause, it was enough for county Members to know that large portions of their constituencies were at present in a less prosperous condition than at former periods. That in itself was sufficient to stimulate them to a minuter investigation into the great questions of finance. Differing as he did from those Gentlemen in reference to free trade, he felt nevertheless that they might, upon that ground, fairly be permitted to ask the Government, and if possible to compel the Government, to carry out retrenchment in the public expenses wherever it could be shown to be possible. His hon. and learned Friend the Member for Oxford spoke of the manner in which this had been made a protection debate, and said that if this Motion were carried, there were parties in the country who would regard it as a triumph of protection over free trade. He (Mr. Bright) was the last man who would wish to give a triumph to the protectionists, as such. He was now, if possible, more strongly than ever opposed to their policy. He believed that the statements which had been made as to the effects of free trade by the noble Lord the Member for Colchester, were wholly opposed to the real facts of the case. But he maintained that it was not the policy of any man who was in favour of retrenchment to allow the question of protection to interfere with his vote on the present occasion, or indeed to be mixed up with the real question before them. With protection they had, in fact, nothing more to do, and should consider it as settled. Let them not quarrel then about that which was settled. Let them rather, if there was anything else they all agreed to be essential for the country, and practicable by Parliament, endeavour to effect it. Let

them unite, not to destroy any of the institutions of the country, not, if they pleased, in refusing to maintain those defences which a large majority of the House believed to be necessary; but let them unite in cutting down with an unsparing hand all those excrescences of expenditure which could be proved to exist. They had seen the Government employed in reducing by hundreds of thousands that amount which they before maintained it was hardly possible to diminish. Why not carry it out to its legitimate and fullest extent? This Motion ought not to be considered hostile to the Government. It was not so considered last year; and in its results it certainly had not so proved, for it gave to the Government greater power to effect the objects they declared they had in view. If adopted on the present occasion it would strengthen and stimulate them as it did last year. He believed that no Prime Minister had any real interest in a corrupt expenditure. He believed that the present Prime Minister sincerely desired all such expenditure to be abolished; and as a friend to the Government of which he was the head, and as more especially the friend of economy, he (Mr. Bright) felt himself bound to give his vote in favour of the Motion.

MR. HENLEY should follow the example just set, and endeavour not to make this a free-trade debate, but to address himself as strictly as he could to the Motion before the House. As he was in the House when the Motions of the hon. Member for the West Riding, and the hon. Member for Montrose were brought forward, he should take the liberty of saying why he thought there was no inconsistency in voting against them, and yet in voting for that of the hon. Member for West Surrey. That made by the hon. Member for the West Riding had been well described by the right hon. Baronet the Member for Tamworth as a specific Motion to go back to a defined amount of expenditure necessary under particular circumstances, and at a particular time. Persons might very well be ready to go far in economy, yet not be able to pledge themselves to go all that distance. He therefore thought there was no inconsistency in those who wished to strengthen the hands of the Government, and, if need were, to press them forward in the path they had to traverse, taking this course. The same reasoning applied exactly to the Motion of the hon. Member for Montrose. It might

be they were quite certain that it was fit to cut down the Army by 10,000 men, or they might differ as to the extent of the reduction, and also as to the precise amount of men proposed to be reduced in the Navy. The vote now proposed for the Navy was 39,000 men; but did Government always strictly adhere to that number? Last year, he believed, there was an excess of 6,000 men above the vote of 43,000; perhaps this year there might be a diminution, as it might be found not quite convenient, under the pressure of that House, to employ the 39,000 men for whom a vote had been taken. With respect to the Motion itself, and the taxes proposed to be taken off, he had been much struck with the great ingenuity with which the right hon. Baronet the Member for Tamworth had given the go-bye to the question of the malt tax. The right hon. Gentleman amused the House with an account of the system of gathering hops, and wanted to know how the removal of the hop duty would benefit the Paisley or Manchester manufacturer; but he did not condescend to say anything as to the benefit which the labourer might be expected to derive from being enabled to drink his beer without its being subject to a tax on malt. The malt tax influenced the agricultural mind, and affected the consumer in a much larger degree than the hop duty. The silence of the right hon. Gentleman on the subject of the malt tax was calculated to cause some apprehension to hon. Gentlemen opposite; it was rather significant, especially after dilating so long on hops and tobacco. The conscience of the right hon. Gentleman the Secretary at War seemed to have taken alarm at the thought of giving a denial to this Motion, and he had had recourse to moving the previous question. They had denied the Motion last year; what had happened in the interval to bring such a change over the spirit of their dream? for though there were one or two expressions more than in the Motion of last year, substantially it was the same question. The resolution had been attempted to be negatived last year on the Amendment of the noble Lord the Member for Middlesex. This year it was to be put aside in a quiet way by the previous question, meaning something or nothing just as might suit. The noble Lord at the head of the Treasury had given them new readings of Adam Smith; the noble Lord said, it mattered not whether things were cheap or dear, provided



they were free, and that it was a good and healthy sign when prices rose high from a brisk demand. Carrying that principle out to its legitimate lengths, the noble Lord must think the famine prices of 1847 a great blessing. Against this Motion, he (Mr. Henley) had heard no single argument alleged, though it had been described as inconvenient and unmeaning; no one had ventured to deny the necessity of exercising all the economy that could be practised with safety to the country. The hon. Member for Guildford seemed to think that there was no distress amongst the agriculturists, but he believed the hon. Gentleman was singular in that feeling; all parties in the House seemed to be agreed that there was a cloud hanging over the country, and that it was necessary to spend as little as possible. This certainly was anything but a fulfilment of the prophecies which had been made in order to induce them to adopt the new system of commercial legislation; they were then told that they would all be much richer. When he (Mr. Henley) looked back at the state of prosperity which this country had enjoyed in 1845, and how willing both the House and the country then were to go along with the right hon. Baronet the Member for Tamworth in the high estimates which he then produced, he, for one, could but lament the change which had come over the prospects of the country. Certainly, people were in such a condition now, from one end of the country to the other, that there was a universal cry that taxes could not be borne. He was the last man in the House to say anything that would bear against public credit; but he could not shut his eyes to the fact, that when there was a universal cry of distress, every institution of the country became, in a certain degree, endangered. He regretted to hear the right hon. Secretary at War stating, on the part of the Government, that no remission of taxation with which he was acquainted would give relief to the people, or words to that effect.

MR. FOX MAULE denied that he had made any such statement. He had said, that he saw in the resolution of the hon. Member for West Surrey no remission of taxation proposed that could give relief to the people.

MR. HENLEY: It came to this, then, that no pressure which such a Motion could put upon the Government was likely to produce such a remission of taxation as would give relief to the country. He regretted

to hear the statement of the right hon. Gentleman, because many persons were anxious that the recent change in our commercial policy should have a fair trial, but they were satisfied it could not have a fair trial unless the burdens now pressing upon the people were removed or lightened. He would give his cordial support to the Motion, and he was confident that, if it were carried, its effect would be to press down the public expenditure.

MR. HEYWORTH was understood to say, that if it was the object of the hon. Gentleman the Member for West Surrey to raise the revenue by a property tax, he was ready to support the Motion. They must have taxes for the maintenance of the Government, and if they remitted other taxation, they had no alternative but to draw the necessary revenue from property. He considered, that if they relieved foreign importers from duties, the produce of the land ought to be equally free from all imposts. They must remove the duties not merely from malt and hops, but from every thing else; and by expanding their commerce, and increasing their trade, they would soon have every labouring man fully employed; they would obtain relief from the poor-rates, and every landowner would get the full benefit of the produce of his land. He considered that the right hon. Member for Tamworth had not only made the House, but also this country, Europe, and the world his debtors by the speech he had made to-night. It was a great and glorious speech, and would never die out of the memory of men. He (Mr. Heyworth) would vote for the Motion.

MR. HUME thought that the hon. Member for Oxfordshire had not succeeded in proving that he would not be acting with great inconsistency in voting for this, after opposing his (Mr. Hume's) Motion, and that of his hon. Friend the Member for the West Riding. His excuse was, that the present Motion was general, and the others specific. Now, the Motion of his hon. Friend the Member for the West Riding declared that the taxes required for the present expenditure impeded the operations of agriculture and manufactures, and thus diminished the funds for the employment of labour in all branches of productive industry. Surely that was general enough. For himself, he was always ready to support retrenchment, whether proposed by Tory, Whig, or Radical. He had expected that the hon. Member who made the Motion would have shown the

great increase in our establishments which had taken place since 1792. He well remembered that the successive augmentations in official salaries, moved by Mr. Percival, were placed on the ground of the increased price of food during the war. The enormous expenditure of Government at that period, amounting to some hundred millions, had produced a factitious state of things, from which we were only now recovering. In 1821 these views were adopted by Government, and the House unanimously resolved that the public establishments should be reduced, as would be seen from the Treasury minute of 10th August, framed after the resolutions agreed to by the House of Commons on the 26th of July. The minute declared that all public offices should be restored, both in respect to the number of persons employed in them, and the emoluments received, to the footing on which they stood in 1792, unless some special reason existed to the contrary. This was acted upon to a considerable extent, and the estimates of the following year were reduced by 3,000,000*l.* He thought the House should now adopt the same policy, and, on that ground, every salary, from the Crown to the porter, should be considered and reduced. He recollected the cheers of the House, amidst which the right hon. Baronet the Member for Tamworth came down and stated that Her Majesty had consented that her income should be subject to direct taxation. The civil list had been settled in the reign of William IV., but let any hon. Member look back to the prices of that day, and see whether the present establishments should be continued. He hoped the resolution would be carried; he advised the Government to accept it, as they had accepted stronger resolutions on former occasions, for the situation of the country required it. In 1792 the staff of the Army cost 12,000*l.*; at present it cost 167,000*l.* Let them return to the establishments of 1792, as recommended by the Committee of 1819 and 1821, and they might bring the expenditure down from 50,000,000*l.* to 40,000,000*l.*, whilst keeping every department in a state of efficiency. He hoped that this Motion would be carried, and he wished the same for every Motion for reduction. That much might be effected was evidenced by what had been done for the Navy during the administration of the right hon. Member for Ripon. That right hon. Gentleman made reductions to the amount of a million, and

with economy he increased the efficiency of every department of the service. But the career of economy was soon checked. In 1833 there were 407 generals in the Army, and 153 had been added since. The same story might be told of the Navy and the half-pay list, which was 760,000*l.* at the peace, and was 740,000*l.* at the present day. He had only further to say, that he did not support this Motion as a means of returning to monopoly, which he knew was impossible, but as a means of promoting economy; and he thought that hon. Members opposite would do a great service to the farmers if they disabused them of any hopes of a return to protection, but encouraged them to join the other classes of the community in promoting economy in every public department.

MR. P. BENNET said, they had been told by the hon. Member for Guildford that the labouring classes were now in a better condition than formerly. He wished some proof could be adduced that such was the case, but for his part he had reason to fear that the contrary was the fact. He held in his hand a statement which he had received within the last few days, describing the condition of the labouring classes in four or five parishes on the borders of Suffolk and Cambridge, and stating that they had combined to prevent a reduction of their wages from 8*s.* to 7*s.* a week. That reduction had been found necessary, owing to the great poverty to which the farmers had been reduced, in consequence of the taxation having been taken off the foreigner and levied on them. In one instance they had gone to their employer and broken his machinery and ploughs, and then fired his buildings, destroying property to the amount of 2,000*l.* They had also, he was sorry to say, resolved, in case their wages were not increased, to proceed in a body to visit Her Majesty at Buckingham Palace. He should vote for the Motion, as he believed that economy might be introduced into every branch of the public expenditure.

MR. B. OSBORNE did not like to go to a division without explaining the considerations which should influence him in giving his vote. He had not had the pleasure of hearing the speech of his hon. Friend the Member for Manchester, but he had listened attentively to the speeches of the hon. Gentlemen who had moved and seconded the Resolution, and the impression produced on his mind by them, was, that the hon. Gentlemen who sat at

the same side of the House with the hon. Member for West Surrey, and who never gave their support to any legitimate or *bond fide* attempt to reduce taxation—were only anxious on the present occasion to make “cat’s paws” of hon. Gentlemen who sat at the same side with him (Mr. Osborne). This was his deliberate conviction, and he was exceedingly sorry to find that into the trap they had so ingeniously set, the hon. Member for Manchester had been so unwary as to fall. He was unaffectedly sorry to find that the hon. Gentleman had fallen a victim to their artifice, and that he was going, by his vote, to undermine that sound commercial policy which it was the glory and honour of the right hon. Baronet the Member for Tamworth to have designed and perfected. He (Mr. Osborne) was resolved not to be a party to any such compromise. He at least was determined not to allow himself to be made a cat’s paw of by the hon. Member for West Surrey. He would cheerfully record his vote in favour of any measure which the hon. Gentleman might bring forward in an earnest and single-hearted manner to effect a reduction in the expenditure of the Army, the Navy, and the Ordnance, but he would take care not to be decoyed into giving a fallacious vote in favour of a proposition which, though it was brought forward under the specious plea of economy, meant in reality a reversal of that free-trade policy to which the Legislature had so frequently and so emphatically declared its adherence.

CAPTAIN HARRIS did not expect any such reduction of expenditure to result from this Motion as would enable the Government effectually to lighten the taxation; for with such establishments as ours, and the necessities of an empire like this, he did not think it much beyond the mark. The object of the Motion was to compel a revision of taxation which pressed with severity on the labouring classes, particularly the agriculturists. The malt tax and the hop duty were the principal taxes which pressed on the agricultural interest, not merely as regarded the employer, but the labourer also. Those classes had a just right to call for a repeal of those taxes upon the principles of free trade. The right hon. Baronet the Member for Tamworth had rather taunted the Members on that side of the House for having voted *against* a reduction in the Military Estimates, and for now voting for a general

reduction of the expenditure of the country. The right hon. Baronet, however, must, by this time, have found out that he had not legislated altogether for the country in general. It never should be his policy to vote under false colours, and he took this opportunity of stating that he was for a revision of taxation by the equitable adjustment of local burdens, and by the adoption of a system of customs duties on the basis of a revenue tariff, in which case he contemplated the imposition of a 5s. fixed duty on corn. This was policy which he believed many on the other side of the House would support, if they had the courage. The 5s. duty would yield 1,500,000*l.* or 2,000,000*l.* a year to the revenue, and prevent the market from being swamped as it was at present. He did not desire a higher duty if this fair adjustment of taxation were adopted, nor would he in that case support any Motion for imposing anything beyond that amount.

MR. LABOUCHERE said, he had believed, until the hon. and gallant Gentleman who had just sat down had addressed the House, that it was scarcely possible to add to the variety of grounds on which hon. Gentlemen would support this Motion. If time and opportunity served to go through the various speeches, and the grounds on which each Gentleman would give his vote, he thought it would afford a curious illustration of what really would be the amount of opinion expressed, and the light that the public would derive from the vote which would be come to to-night. But the hon. and gallant Gentleman who had just sat down had, with his accustomed candour, declared to the House what was his object in supporting the resolution, and he (Mr. Labouchere) begged, especially of those Gentlemen who sat on that (the Ministerial) side of the House, to mark the grounds on which the hon. and gallant Gentleman should support the Motion. He said he did not think that any reduction of taxation would be of service unless it were accompanied by a reimposition of a duty on corn. [Captain HARRIS: Any large reduction.] Effectually to lighten taxation was the frank and candid statement of the hon. and gallant Gentleman; and how, with that opinion, he could vote for the Motion in the terms in which it was couched, he was at a loss to discover, for the hon. and gallant Gentleman stated that the object he had in giving this vote was to promote a reversal of the policy

that the House had taken, and he said distinctly that he contemplated a duty on the import of corn to the amount of 5s. a quarter. And now, with regard to the terms of the Motion, he certainly was not prepared, on the part of Her Majesty's Government, to express anything in contradistinction to those terms. Indeed, his reasons for asking the House to negative the Motion would be altogether inconsistent with any such argument. He should present himself with ill grace to the House, if he were not able to state to them that he thought the Government had given practical proof, not merely by professions but by actions in the reductions they had carried out in the present and in the past year, that they felt that all unnecessary expenditure produced unnecessary taxation, and that all taxation was in itself a great evil to all classes, and more especially to the working classes of the country; and that it was the paramount duty of the House to reduce that expenditure as rapidly as they could consistently with those other interests which it was their duty not to lose sight of. On the three great estimates—those upon which alone everybody agreed any large reductions could take place—he meant for the three great services of the Army, Navy, and Ordnance—a sum of not less than 730,000*l.* had been saved this year, and, as compared with the year before, not less than a million sterling. This, he said, was a practical proof that the Government had not neglected their duty to the House in this respect, and that they had gradually but effectually applied themselves to retrenchment. He was aware that a desire animated the people of the country that economy should be carried into effect consistently with the real interest of the country. He would not inquire into the reasons which made gentlemen in the landed interest especially eager on this subject at the present moment. Whatever those reasons might be, it was the duty of the House to see that the public money should be expended only with a special view to the public good. But was this a reason for agreeing to an abstract resolution like this, and at a moment when the Government had given practical proof of the spirit of economy which animated them. Was it not unfair and most ungenerous to a Government, who were doing their duty to the best of their ability, to put them in a situation in which they were likely to be told that any reduction which they might make was all

done under the pressure of the House of Commons, and not because they were themselves inclined to do it? That was a most unfair and ungenerous manner of attacking the Government, and he had a right to say that the conduct of the Government had not justified any such attack. But he conceived that there would be evil consequences of a far graver description than any annoyance to Government which would follow from the passing of this Motion. He believed that the impression out of doors would be of a most unfortunate description, and that it would lead to a great delusion. He could not, he confessed, altogether separate a Motion of this kind from the speeches of the hon. Gentlemen who proposed and seconded it. He believed there never was a time in this country when it was more important for the real interests of the country that the credit of the country should be unshaken; and he must say that the language of the hon. Gentleman who brought forward the Motion, and that of the hon. Member for Oxfordshire, who was generally so prudent and cautious, when he told the House that taxation was becoming unbearable in the country, he could not help supposing that language of that kind would lead foreign nations to form a most inaccurate notion of the real resources and the financial state of the country. He did not deny that there was distress in portions of the country; he believed that among the agriculturists there was great and severe, though he hoped but temporary, distress; but to state that the whole of the country was in a distressed condition, or to state that it was less capable of exertion for any national object, or to support the taxation of the country, was a statement which he believed might be made with as little or less proof in this year of 1850 than in any period during the last fifty years. He was quite aware that general professions of economy were but little attended to, and he should think them little worthy of attention had not the Government to which he had the honour to belong given practical proofs by the reductions they had made. He therefore hoped that the House would not agree to a Motion of this kind, which might be interpreted to mean almost anything. When the estimates were brought forward was the time for hon. Members to object to unnecessary expenditure, and to economise. One word only before he sat down. He heard with the same pleasure that the whole House did the able speech of the right



hon. Gentleman the Member for Tamworth, and he quite agreed with him, that the real state of this country must depend not on great and overwhelming establishments, but upon respectable establishments, and above all, upon a contented and prosperous people, and upon well-ordered finances. He also agreed with him, that with regard to our colonies, it was not wise to push to an extreme that care to provide for whatever contingency might happen, for that by so doing we should cripple our means. But he could not help thinking that Gentlemen put a false interpretation on the language of the right hon. Gentleman, when they stated they understood him to abandon the defences of any portion of the empire. He should deprecate any such language, coming from what quarter it might; but he did not understand the right hon. Gentleman to say anything of the kind. His (Mr. Labouchere's) opinion with regard to the colonies was, that we might to a much greater degree than we had hitherto done, gradually adopt other defences than the military power of this country; but at the same time we could not escape the duty which the position of this, as the mother country, devolved upon us.

SIR R. PEEL, in explanation, said, he had not been aware that so erroneous a construction either had been, or could possibly be, put upon what he had said, as had been just alluded to by the right hon. Gentleman the President of the Board of Trade. So far was it from being true, that no man would be disposed to make a more vigorous exertion than himself for the preservation of any part of the British empire that should be assailed. What he said was, that he did not think it necessary that every garrison and every fortification, in every part of the colonies, during the whole of the peace, should be kept in as perfect a state as if we had a right to expect an attack upon them. He stated that we must trust in some degree to the natural energy of the British subject to defend any portion of the British empire that might be menaced.

MR. MUNTZ regarded the Motion of the hon. Member for West Surrey as a truism, and he did not see how any one could object to it. He was astonished that Her Majesty's Government did not adopt it. For himself, he regarded the Motion as so much a matter of course, that *he did not know he should have voted for it but for the speech of the right hon. the*

Secretary at War. The right hon. Gentleman had told them that the consequence of the resolution passed last year was that the Government had sent round a circular to all the public departments, stating their wish that the utmost practicable economy should be adopted. That would be a reason why he should vote for the present Motion. The Government had asked for an increase of the income tax, on the ground that they could not meet the expenditure; but although the increase on the income tax had been refused, they had not only met the expenditure, but effected a surplus. He agreed in thinking that the weight of taxation was unbearable, and that something must be done, especially to take off the burden of taxation which pressed upon the industrious classes. He also agreed that since there had been a change from high to low prices, there ought to be a reduction in all offices and salaries, from the highest downwards. After the warning given by the right hon. the Secretary at War that another circular urging economy must be sent round if this resolution passed, he should vote for the Motion of the hon. Member for West Surrey.

MR. BROTHERTON said, that if this were some specific Motion to lighten the taxes of the community, he would vote for it; but he was very much of opinion that this Motion was a trap, which his hon. Friend the Member for Manchester had fallen into. It was a specious move. The Motion was true; but what were the intentions and views of the majority who voted for it? It was a vote that might catch a few Members who were not accustomed to the tactics of that House; but if the Motion were coupled with the speeches of those who had supported it, the House might be convinced that the supporters of the Motion would not agree to any reduction of taxation that would be for the benefit of the people in general. The hon. Member for North Yorkshire, who seconded the Motion, advocated the repeal of the malt tax. Now, he considered that the malt tax might be repealed by the people themselves, without appealing to that House. He had voted in the two minorities on the late Motions for reduction of expenditure, and whenever a Motion for a specific reduction of taxation came before him, he would support it. But he was not fond of these sham Motions. If hon. Members opposite were in favour of economy and retrenchment, let them vote for the Motions brought forward to effect it. The

present Motion was a deception and a fallacy, which should not have his support.

VISCOUNT DUNCAN said, that if the present Motion were a "trap," it had assuredly caught him, for he meant to vote for it. He had nothing to do with the intentions and meaning of those who had brought forward this Motion. He took it as he found it, and he not only saw nothing to object in it, but something that he was very ready to support. He had a Motion of his own that had stood for to-night for the repeal of the window duties, which pressed heavily on all classes, and especially upon the labouring classes, and he expected and hoped that in return for supporting the present Motion, hon. Gentlemen opposite would vote in favour of his resolution in favour of repealing the window tax when it came on.

MR. DRUMMOND replied: He felt neither indignation nor contempt towards those who called this a dishonest Motion; such charges were altogether unworthy of notice. But he could tell them what Motions were "sham Motions"—they were those Motions that everybody knew would not press the Government. Certainly, however amusing might be the discrepancies strung together in support of this Motion, the discrepancies by which it had been opposed were not less amusing. One hon. Gentleman said it was a mere truism. "So powerful was it," said the right hon. the Secretary at War, "that the Government had acted upon it last year;" and another hon. Gentleman said he would not vote for it because he would not be made a cat's paw. It appeared he had been misunderstood when he dealt with the taxes that pressed peculiarly on the labourer and the small farmer. He thought he had been explicit enough, for he took tobacco and hops, and various other things, as illustrations of articles the cultivation of which ought not to be interfered with by the Government. An hon. Member had asked what advantage the people of Paisley would gain by the repeal of the malt tax. It was true that what they drank was not ale, but whisky; but it might as well be said, that as they did not live upon wheaten bread, but on Scotch porridge and oat cake, of what benefit to them was the opening of the ports to foreign wheat? It was known to his Friends around him that he had intended to vote in favour of the Motion of the hon. Member for the West Riding on Friday night, but that he had been obliged to leave the House. The

hon. Gentleman opposite the Member for Guildford had contradicted one of his (Mr. Drummond's) statements, but he happened to receive a petition from the neighbourhood of Guildford that day, from which the House would be able to judge which of the statements was most accordant with the fact. [The hon. Gentleman here read an extract from the petition, to the effect, that the petitioners, believing there was no probability of a return to protection, considered the duty on malt, hops, and bricks, most inconsistent in principle, and unfair and injurious to the farmer, and prayed for their total repeal, and for liberty to the farmer to grow any root whatsoever on his land. They also prayed, as the prices of all needful commodities were considerably reduced, that all public salaries and pensions should be reduced in a corresponding degree.] "Believing there was no probability of a return to protection"—this was the language of men who, they were always told, would listen to nothing but getting back a 5s. duty on corn. The hon. Gentleman's nearest neighbour—than whom a more respectable man did not exist—called his labourers together lately, and told them—

"My good fellows, I'm not able to pay you for your labour as I have done. Two courses are open to me—I will either keep you all on at reduced wages, or I must turn off some of you altogether."

The men took a day to consider of it; and they all agreed to work for him at reduced wages. He was surprised to hear hon. Gentlemen talk as they had done about his making light of the public credit. What he said was, that they had not kept faith with the public debtor; and, therefore, it was those hon. Gentlemen, and not he, who had taught the country to hold the public creditor so very cheaply. He had several times said he would rather vote for a higher property tax than endanger the rights of the public creditor. Whenever he heard hon. Gentlemen talk as they had done on this subject, it always forcibly reminded him of La Fontaine's fable, *Les Bêtes Malades*. The public debtor was like the poor animals which the lion was told it had done too great an honour to by cracking their bones; but the public creditor, like the jackass of the fable, as soon as it saw it was about to be interfered with, exclaimed, *Comment manger le foin d'autrui?* He had repeatedly warned the House of the peril arising from the doctrines of repudiation that were

growing up in the country; and the fact was, our whole system of legislation had produced a most vicious state of things, enabling a few greedy capitalists to realise colossal fortunes amidst a starving people. And a remarkable proof of this was, that when Mr Pitt was enacting the legacy duty, he thought it absurd to establish a legacy duty for the case of the millionaire, as it was then supposed to be utterly impossible that such enormous fortunes could be amassed by particular individuals. In conclusion, he maintained that this was no sham or covert Motion; was plain and intelligible; and therefore he looked for the support of the House upon it.

Whereupon Previous Question put, "That that Question be now put."

The House divided:—Ayes 156; Noes 190: Majority 34.

#### List of the AYES.

Alcock, T.	Duke, Sir J.
Arbuthnott, hon. H.	Duncan, Visct.
Arohdall, Capt. M.	Duncan, G.
Arkwright, G.	Duncombe, hon. A.
Baillie, H. J.	Duncombe, hon. O.
Banks, G.	Du Pre, C. G.
Barrington, Visct.	Edwards, H.
Bass, M. T.	Emlyn, Visct.
Bennet, P.	Evans, W.
Beresford, W.	Evelyn, W. J.
Blackstone, W. S.	Fagan, W.
Blair, S.	Farnham, E. B.
Blake, M. J.	Farrer, J.
Blandford, Marq. of	Fellowes, E.
Blewitt, R. J.	Filmer, Sir E.
Boldero, H. G.	Floyer, J.
Bouverie, hon. E. P.	Forbes, W.
Bramston, T. W.	Fordyce, A. D.
Bremridge, R.	Forester, hon. G. C. W.
Bright, J.	Frewon, C. H.
Brocklehurst, J.	Fuller, A. E.
Brooke, Lord	Gaskell, J. M.
Bruce, Lord E.	Gibson, rt. hon. T. M.
Buck, L. W.	Goddard, A. L.
Buller, Sir J. Y.	Gooch, E. S.
Burroughes, H. N.	Greenall, G.
Cabbell, B. B.	Greene, J.
Carew, W. H. P.	Grogan, E.
Cavendish, hon. G. H.	Gwyn, H.
Chatterton, Col.	Halford, Sir H.
Christy, S.	Hall, Sir B.
Clive, H. B.	Halsey, T. P.
Cobbold, J. C.	Hamilton, G. A.
Cobden, R.	Hamilton, J. H.
Cocks, T. S.	Harris, hon. Capt.
Cole, hon. H. A.	Hastie, A.
Coles, H. B.	Henley, J. W.
Compton, H. C.	Heyworth, L.
Cubitt, W.	Hildyard, R. C.
Dashwood, Sir G. H.	Hildyard, T. B. T.
Deedes, W.	Hodgson, W. N.
Devereux, J. T.	Hood, Sir A.
Dick, Q.	Hope, H. T.
Dickson, S.	Hornby, J.
Divett, E.	Hotham, Lord
Duckworth, Sir J. T. B.	Hume, J.

Humphrey, Ald.	Rufford, F.
Jones, Capt.	Rushout, Capt.
Knox, Col.	Sadler, J.
Lacy, H. C.	Salway, Col.
Lennox, Lord A. G.	Sanders, G.
Lewisham, Visct.	Scholefield, W.
Lockhart, W.	Scully, F.
Long, W.	Seymer, H. K.
Lopes, Sir R.	Sibthorp, Col.
Lushington, C.	Sidney, Ald.
Lygon, hon. Gen.	Simeon, J.
Mackenzie, W. F.	Smith, J. B.
Meagher, T.	Smyth, J. G.
Manners, Lord G.	Sotheron, T. H. S.
Manners, Lord J.	Spooner, R.
Meux, Sir H.	Stafford, A.
Miles, P. W. S.	Stanford, J. F.
Miles, W.	Stanley, E.
Moody, C. A.	Stanley, hon. E. H.
Mowatt, F.	Stuart, Lord D.
Mullings, J. R.	Stuart, J.
Muntz, G. F.	Sullivan, M.
Naas, Lord	Thompson, Ald.
Newdegate, C. N.	Thompson, G.
O'Connor, F.	Trevor, hon. G. R.
Oswald, A.	Vesey, hon. T.
Packe, C. W.	Walmesley, Sir J.
Palmer, R.	Walsh, Sir J. B.
Pechell, Sir G. B.	Wawn, J. T.
Pelham, hon. D. A.	York, hon. E. T.
Plumptre, J. P.	
Portal, M.	
Prime, R.	
Richards, R.	

#### TELLERS.

Drummond, H.  
Cayley, E. S.

#### List of the NOES.

Abdy, Sir T. N.	Clements, hon. C. S.
Adair, R. A. S.	Clerk, rt. hon. Sir G.
Aglionby, H. A.	Cockburn, A. J. E.
Anson, hon. Col.	Colebrooke, Sir T. E.
Anstey, T. C.	Collins, W.
Armstrong, R. B.	Corry, rt. hon. H. L.
Bagshaw, J.	Cowan, C.
Baines, rt. hon. M. T.	Cowper, hon. W. F.
Baring, rt. hon. Sir F. T.	Crowder, R. B.
Baring, T.	Currie, H.
Barnard, E. G.	Currie, R.
Bellew, R. M.	Dawson, hon. T. V.
Berkeley, Adm.	Denison, E.
Berkeley, hon. H. F.	Denison, J. E.
Berkeley, C. L. G.	D'Eyncourt, rt. hon. C. T.
Bernal, R.	Douglas, Sir C. E.
Birch, Sir T. B.	Douro, Marq. of
Blackall, S. W.	Duncuft, J.
Bowles, Adm.	Dundas, Adm.
Boyle, hon. Col.	Dundas, G.
Brockman, E. D.	Dundas, rt. hon. Sir D.
Brotherton, J.	Dunne, Col.
Browne, R. D.	Ebrington, Visct.
Bulkeley, Sir R. B. W.	Ellice, rt. hon. E.
Bunbury, E. H.	Ellis, J.
Busfield, W.	Elliot, hon. J. E.
Campbell, hon. W. F.	Enfield, Visct.
Cardwell, E.	Evans, Sir De L.
Carter, J. B.	Ferguson, Col.
Castlereagh, Visct.	Ferguson, Sir B. A.
Cavendish, hon. C. C.	Fitroy, hon. H.
Cavendish, W. G.	Foley, J. H. H.
Chaplin, W. J.	Forster, M.
Charteris, hon. F.	Fortescue, hon. J. W.
Childers, J. W.	Fox, R. M.
Clay, J.	Frostman, Col.

Glyn, G. C.	Owen, Sir J.
Grace, O. D. J.	Paget, Lord A.
Graham, rt. hon. Sir J.	Paget, Lord C.
Greene, T.	Palmer, R.
Grenfell, C. P.	Parker, J.
Grenfell, C. W.	Patten, J. W.
Grey, rt. hon. Sir G.	Peel, rt. hon. Sir R.
Grosvenor, Lord R.	Peel, F.
Grosvenor, Earl	Perfect, R.
Guest, Sir J.	Pinney, W.
Hallyburton, Lord J. F.	Power, Dr.
Harcourt, G. G.	Power, N.
Hardcastle, J. A.	Pusey, P.
Harris, R.	Rawdon, Col.
Hatchell, J.	Ricardo, O.
Hawes, B.	Rice, E. R.
Hayter, rt. hon. W. G.	Rich, H.
Headlam, T. E.	Romilly, Sir J.
Heald, J.	Russell, Lord J.
Henry, A.	Russell, F. C. H.
Herbert, H. A.	Sanders, J.
Herbert, rt. hon. S.	Scrope, G. P.
Heywood, J.	Seymour, Lord
Hobhouse, rt. hon. Sir J.	Shafto, R. D.
Hobhouse, T. B.	Sheil, rt. hon. R. L.
Hodges, T. L.	Shelburne, Earl of
Hogg, Sir J. W.	Slaney, R. A.
Howard, Lord E.	Smith, rt. hon. R. V.
Howard, hon. J. K.	Smith, J. A.
Howard, P. H.	Somers, J. P.
Hutt, W.	Somerville, rt. hon. Sir W.
Jervis, Sir J.	Stansfield, W. R. C.
Jocelyn, Visct.	Strickland, Sir G.
Johnstone, Sir J.	Talbot, J. H.
Ker, R.	Tancred, H. W.
King, hon. P. J. L.	Tenison, E. K.
Labouchere, rt. hon. H.	Thicknesse, R. A.
Lascelles, hon. W. S.	Thompson, Col.
Legh, G. C.	Thornely, T.
Lennard, T. B.	Townley, R. G.
Lewis, G. C.	Townshend, Capt.
Lindsay, hon. Col.	Tufnell, H.
Loch, J.	Verney, Sir H.
Mackie, J.	Villiers, hon. C.
M'Gregor, J.	Wall, C. B.
Mahon, The O'Gorman	Wellesley, Lord C.
Mangles, R. D.	Westhead, J. P. B.
Martin, C. W.	Whitmore, T. C.
Maule, rt. hon. F.	Willcox, B. M.
Melgund, Visct.	Williams, J.
Mitchell, T. A.	Williamson, Sir H.
Moffatt, G.	Wilson, J.
Monsell, W.	Wilson, M.
Morison, Sir W.	Wood, W. P.
Mulgrave, Earl of	Wortley, rt. hon. J. S.
Norreys, Lord	Wrightson, W. B.
Norreys, Sir D. J.	Wyvill, M.
O'Connell, M.	
O'Connell, M. J.	
Ogle, S. C. H.	
Osborne, R.	

## TELLERS.

Hill, Lord M.  
Grey, R. W.

## JEWS.

MR. W. P. WOOD, in bringing forward the Motion of which he had given notice, said, he would not detain the House at any length. The matter which had given rise to it was notorious, and it was unnecessary for him to enter into any detail on the subject. The House was aware that the *city of London* had returned to this Parlia-

ment, when it first met, a Gentleman who was unable to take his seat in that House in consequence of certain oaths which were necessary, or which were supposed to be necessary, to be taken by Members at the table before taking their seats. That Gentleman afterwards, in consequence of a Bill (introduced and passed through the House by a considerable majority) being rejected in another place, resigned his seat, and the same Gentleman was again returned by a large majority of the electors of the city of London. As one of those electors, and having been called upon by several others of that great body (under other circumstances it would be great presumption on his part to do so), he had taken upon himself to submit this Motion to the House with a view to have a full inquiry into all the circumstances which might be requisite for the purposes of the House arriving at a conclusion on the subject. It was a matter which it was quite impossible to withhold from the consideration of the House for any lengthened period. Nobody could suppose that a Gentleman who was twice returned by such an important constituency as that of the city of London, and who hitherto, for reasons so well known, had been unable to take his seat in the House, would be permitted to remain in that situation without a decision being come to one way or the other with reference to his position. It was not for him (Mr. W. P. Wood) to prejudge the question, his object merely was to have a Committee of Inquiry appointed, and he rested his proposition on a precedent he had found in the journals, with reference to the case of Mr. Pease, when he claimed a seat in that House on making an affirmation, instead of taking the oaths in the form prescribed by the latest Act of Parliament on the subject—the 6th George III. Upon that occasion Mr. Pease was not allowed to take the affirmation until a full inquiry was made on the subject; and he would precisely adopt the course then taken, making only such changes in the form of the Motion as the peculiar circumstances of this case rendered necessary. The form of the Motion in Mr. Pease's case was—

“ That a Select Committee should be appointed to search the Journals of the House, and to report such precedents and such Acts, or parts of Acts of Parliament, in relation to the persons called Quakers taking their seats, and making a solemn affirmation where oaths ought to be taken.”

The Motion he had to present to the House



was the same, substituting the word Jews for Quakers. He believed those inquiries would produce important information to assist and guide the House in arriving at a determination as to the steps to be taken with regard to the peculiar situation of the city of London at the present moment. If there could be unanimity on the question between both Houses of Parliament, then a Bill to remove all doubt would be the proper course to be taken; but at the same time he felt it was of great importance that the privileges of the House, of which they had been at all times so tenacious, should not be needlessly invaded. He thought it would be quite impossible to assume that there was no intention of bringing forward any Bill for the purpose of settling this question. No one could suppose that the whole matter of the election of Baron Rothschild for the city of London should be determined without inquiry, or that he should be excluded from the House, or allowed to remain in his present position, or that the city of London should be permitted to be imperfectly represented, without a step being taken to ascertain the exact nature of the oaths which by law could be required to be taken by him before he could take his seat. The nature of these oaths depended upon a vast variety of circumstances; for there were no less than nineteen Acts of Parliament bearing on the subject, and he could not say that there were not more. It would be also important to consider the mode in which Mr. Pease was admitted as a Member of that House, in order to come to a just conclusion upon the subject of oaths. It was only within the last few weeks, however, that he had learnt the exact mode in which that Gentleman had made affirmation—namely, by a form which omitted the words “upon the true faith of a Christian.” That Gentleman was admitted, it appeared, not in conformity with any express Act of Parliament, but by a resolution of the House; and it would be important, therefore, to consider the various Acts of Parliament which bore upon the question. It would also be important to consider the mode in the various other religious denominations were permitted to take oaths at the present moment. The 1st and 2nd of Victoria, chap. 105, was declaratory in this respect; but it would be advisable that a further inquiry should be instituted. With regard to that declaratory Act, it would be necessary that the Committee should consider what was the exact state

of the law as to the taking of oaths by persons not professing the Christian religion; and it would be essential to ascertain, as a matter of evidence, what was deemed a binding mode of administering an oath to Members of the Jewish persuasion. He contented himself with making this short statement, as he did not think it necessary to argue the justice of the case at this moment. But, in justice to himself, he might say, that he had not brought forward this question simply on his own responsibility. He had consulted lawyers of the highest eminence on the subject—Gentlemen who had sat on both sides of the House, and they all concurred in the opinion that the question of admitting Jews to Parliament was a grave one, which he, therefore, felt Parliament ought to decide upon without delay. He should, therefore, beg leave to move—

“That a Select Committee be appointed to search the Journals of this House, and to report such Precedents and such Acts, or parts of Acts of Parliament, as relate to the question of Jews or other persons being admitted to take their seats in Parliament without being sworn upon the Holy Gospels; and further, to inquire and report in what manner Joseph Pease, esquire, on taking his seat in this House in the year 1833, made Affirmation to the effect of the Oaths required by Law to be taken by Members before taking their seats in this House; and also, to inquire and report in what manner Jews and other persons not professing the Christian Religion are permitted to make oath in Courts of Justice and other places where an Oath is allowed, authorised, or required to be taken.”

MR. ARKWRIGHT did not think the hon. and learned Gentleman had made out any case at all. He stated that a Gentleman had been returned for the city of London, but that that Gentleman had never come to the House to take his seat; and that was all they knew about it. They did not know whether he was a Jew or not.

MR. NEWDEGATE, as one who had paid some attention to this subject, should like to be informed whether it was proposed that this Committee should be empowered to take evidence?

MR. P. WOOD apprehended that that was a question for after consideration, although he presumed that the Committee would assume the usual right of calling witnesses before them.

MR. MACKENZIE was at a loss to conceive the necessary connexion between the inquiry with regard to oaths taken by Members of Parliament, and the oaths and affirmations taken in courts of justice.

MR. P. WOOD said, that he rested a considerable portion of his Motion on the case of Mr. Pease; and with respect to the affirmation in that case no record had been kept.

SIR R. PEEL said, that on two several occasions he had given his cordial support to the noble Lord at the head of the Government, in attempting by law to remove the impediments which obstructed the admission of Jews to Parliament. Had the noble Lord proceeded, in the course of the present Session, again to move those impediments by legislative enactment, there was no Member of that House who would be disposed to give a more cordial support to that Bill than he (Sir R. Peel) would. He understood the hon. and learned Gentleman the Member for the city of Oxford to propose a Committee to make an inquiry which should not prejudice the question at issue. If that were the understanding he (Sir R. Peel) would offer no objection to the appointment of the Committee; but this he must say distinctly, that there was no hon. Gentleman who had voted strenuously against the admission of the Jews who would watch with greater jealousy than he would watch any attempt by the House of Commons to supersede the authority of the House of Lords. He would not argue the subject now, but he hoped the House would altogether suspend its judgment, and not consider that the case of Mr. Pease was at all a precedent, or an admission of the right of other Dissenters to sit in the House. The hon. and learned Gentleman had said that there were other matters which ought to be considered. He (Sir R. Peel) was ready to enter into a consideration of them; but so far as the single case of Mr. Pease was concerned, he conceived that there were enactments which clearly distinguished the case of the Quakers from other Dissenters from the Established Church, and that that case, taken alone, did not constitute a precedent. What might be the other precedents alluded to he would not inquire. It would be premature to do so. The high character of the hon. Gentleman, both for learning and integrity, justified the House in believing that he would not submit the Motion if he did not think it necessary. Still, he (Sir R. Peel) must say again that after having twice voted for the admission of the Jews to Parliament, there was no Gentleman in that House who would watch with greater jealousy than he would, lest any interfe-

rence should be attempted by the House of Commons with the House of Lords.

MR. J. S. WORTLEY said, it was not his intention to oppose the Motion. Though he had on every occasion supported the Bill for the admission of the Jews to Parliament, he confessed that he felt none of the power of the House of Commons. Whatever the decision the proposed Committee might arrive at, it could not conclude the question, because no decision, even of the House, could withdraw that question from the decision of the courts of law, it being competent to any person to institute proceedings in the courts under circumstances of the kind, and proceedings of such a nature might revive former unfortunate conflicts.

LORD J. RUSSELL did not conclude that the House, in appointing this Committee at all, passed any judgment with respect to the question itself—namely, whether a Jew could take a seat in that House, by taking an oath in any other form than that usually taken by Members of the House. But he thought it of great importance that there should be a Committee upon the subject. It appeared to him that the question as to the Acts of Parliament, as well as to the manner in which the House interpreted them in the case of Mr. Pease, was of very considerable importance. How it was that Mr. Pease should have made an affirmation in the manner in which he did, and that afterwards an Act of Parliament should have been passed, he believed in the same Session, appointing the mode in which that affirmation should be made, he never could tell. If the House was justified in adopting that course, and had acted according to law in admitting Mr. Pease on making an affirmation, it surely could not have been necessary afterwards to have passed an Act of Parliament upon the subject. He stated this as a matter of doubt only, without arguing the question. He thought this and several other points might be cleared up by a Committee. He agreed with the hon. and learned Gentleman who spoke last, that this question might be brought before a court of law, because there were penalties and disabilities which could not be adjudicated upon anywhere else. But it did not appear that the Committee was to give any opinion as to whether a Jew was able to take an oath in any other form than the one usually taken, by which the House would be bound. Supposing the Committee should

be decidedly of opinion that Baron Rothschild could not take his seat upon any other form of oath, still he (Lord J. Russell) thought the information which such a Committee might obtain would be extremely useful.

MR. ANSTEY thought that the concluding observations of his right hon. Friend the Member for Buteshire should not go forth without comment. He differed entirely from the right hon. Member. He was of opinion that the decision of the House would be final, and that no court of law was competent to question it; not because of that undefined and undefinable thing called Privilege, but because such was the law. There was their common law jurisdiction over the trial of elections to their House. There was their statutory jurisdiction. In both, the decision was final. Then there was that statute which was declaratory of the common law of Parliament, and not only so, but likewise invested with a sanction and authority scarce inferior, in the opinion of some constitutional lawyers, to Magna Carta itself—he meant the Bill of Rights, by which it was provided that no man should be questioned in courts of law or elsewhere, for his vote, or speech, or act within the walls of Parliament. It should be remembered that the penalties were of two kinds, money penalties and Parliamentary penalties; and the House of Commons was the sole judge as to the latter. If, then, the House were to decide that Baron Rothschild might, or rather that he ought to take his seat, and that he would not incur the Parliamentary penalties by so doing, no court of law would venture to decide that that Gentleman, obeying the mandates of the House, would incur the pecuniary disabilities: if they were to do so, they would be acting in strict defiance of the Bill of Rights and the law of Parliament. For these reasons, he thought it quite clear that such a decision would conclude the question, and that there could be not the slightest hazard of conflict with other jurisdictions. In the face of their resolution, no jury would be bold enough to charge, and no jury base enough to find, against them.

MR. WALPOLE did not rise for the purpose of promoting any discussion on the present question, but he wished to say that he agreed with the right hon. Member for Tamworth in thinking that the *whole matter* ought to be fairly and fully *examined*. Any inquiry as to Quakers or

any inquiry touching affirmations in courts of law, had, in his opinion, no application to the question relating to the right of any person to take his seat in that House. There was a very general desire that a fair and impartial Committee should be appointed, and for the appointment of such a Committee he should vote.

Select Committee appointed.

The House adjourned a quarter before One o'clock.

## HOUSE OF COMMONS,

*Wednesday, March 13, 1850.*

MINUTES.] PUBLIC BILLS.—1° Tenements Recovery (Ireland).

2° County Rates and Expenditure; Public Libraries and Museums.

### FEEs IN COUNTY COURTS.

MR. DRUMMOND asked, if it was likely that salaries would soon be fixed for the clerks of county courts, in lieu of fees, as had been done with the judges.

SIR G. GREY said, the duties of the judges being much of the same character and occupying about the same proportion of their time, it had been found practicable to fix a uniform scale of salary for the judges, the minimum being settled by the Act of Parliament. With regard to the clerks, the case was quite different, for the extent of their duties was very various, some, for instance, acted for a single court, others took a certain district; hence it had been found impossible to fix a uniform salary. Their cases had been investigated; but the Government had not yet been able to fix the amount in each individual case at which a commutation should be effected. In some cases, where the fees received were much higher than the salary allowed by law, it had been thought right that a commutation should take place immediately.

SIR G. PECHELL asked if anything was to be done with regard to the fees of bailiffs, who were suffering great inconvenience at present, and were positive losers. As the writs must be delivered by them, unless something was done to secure their services, the whole business of these courts would soon be at a standstill.

SIR G. GREY said, that was also matter of inquiry. In certain districts the fees did not amount to a sufficient sum to afford an adequate remuneration to the

bailiffs. He believed the only thing to be done would be to reduce their number.

Subject dropped.

#### COUNTY RATES AND EXPENDITURE BILL.

Order read, for resuming Adjourned Debate on Question [13th February], "That the Bill be now read a Second Time." Question again proposed. Debate resumed.

SIR J. PAKINGTON rose for the purpose of moving as an Amendment the appointment of a Select Committee to inquire into the present mode of levying and expending the county rate in England and Wales. He considered it absolutely necessary, before proceeding to deal with so important a subject, that full and complete inquiry should be previously made. It was his wish to approach the discussion of the Bill in the fairest spirit. He admitted a great many petitions had been presented in favour of it; but what he felt was, that a *bond fide* inquiry into the subject was an essential preliminary in dealing with so difficult a matter. If it could be shown that the financial business of the counties, as conducted by English gentlemen, could be better managed by a board more popularly constituted, he should be most happy to give his consent to a change of that kind; but he was not prepared to assent to a Bill which was most objectionable, not only in all its details, but, as he conceived, in its principle also. He was certainly surprised that the noble Lord at the head of the Government, on a former day, deviating from his usual caution, without having heard a word of the discussion on the subject, should pledge himself to consent to the second reading of the Bill. Upon a subject of so much importance, he could not but think that if any change were to be made, such alteration ought to be effected with the responsibility of the Government rather than upon that of a private individual. The real origin of the present Bill was not to be found in any real love of constitutional theories, but in a mere local squabble in the county of Lancaster, among the large towns, with respect to a lunatic asylum. In order to support the Bill, a case of great grievance had been attempted to be made out for the county in which the Bill originated. Now what were the facts of the case with respect to county rates in Lancashire? In the year 1824 the amount

of county expenditure was 80,000*l.*, and in 1848 only amounted to 87,000*l.* for the same items of expense, being an increase of only 7,000*l.*, notwithstanding the enormous increase both in wealth and population of the county. But out of that 87,000*l.*, so raised in 1848, the county had received back from the Consolidated Fund no less than 27,000*l.*, so that the ratepayers had actually contributed but 60,000*l.*, for what cost them 80,000*l.* in 1824. Again, in 1825, the amount of rate imposed was 74,800*l.*, in 1849, 77,430*l.*, being an increase of only 2,600*l.*, of which not less than 31,000*l.* was for the charge of the county police, a sum considerably exceeding that paid back from the Consolidated Fund for cost of prosecutions. Large sums had been expended in the county of Lancaster and other counties for building and improving county lunatic asylums, and in carrying out other prison improvements, directed by the right hon. Baronet the Secretary of State for the Home Department; and it was thus that the apparent increase above the sums he had mentioned had arisen in the last few years. Was it right or fair that the discharge of these duties by the county magistracy should be made a matter of inculpation and blame upon those who had only acted in the strict performance of their duty? The right hon. Baronet the Member for Ripon had stated a few days since that in the county of Cumberland, with which he was connected, the county rates had diminished since 1822 not less than 40 per cent. He was not aware whether, in that reduction, credit was taken for the amount returned from the Consolidated Fund. [Sir J. GRAHAM stated that he had taken credit for that amount.] That, however, did not amount to 40 per cent of the county rates, and there had therefore been a reduction to some extent in the county rates of Cumberland. Now, he would show by reference to the county of Worcester, with which he (Sir J. Pakington) was connected, that even if new boards were elected, they would have little or no power over the county expenditure. The county expenditure of Worcestershire in 1849 was 27,000*l.* in round numbers. The expenses of the gaols were 5,200*l.*, conveying prisoners to gaol 575*l.*, cost of prosecutions 5,500*l.* Over neither of these items could the newly-elected board have any control. The expense of the office of the clerk of the peace was about 1,000*l.* This expense was incurred for services re-



quired to be performed by Act of Parliament—preparing lists of voters and other things. The expense of the coroner's office was 1,500*l.* Over this the board could exercise no control. The cost of bridges was 580*l.*, interests on the debt for the Shire Hall, 2,000*l.*, and there remained only the cost of the county police, amounting to 7,800*l.*, a portion of which he thought ought, as in the case of Ireland and of the metropolis, to be borne by the Consolidated Fund. But, in his opinion, nothing would be more injudicious than to give the control of the police to any varying and elective board. He had shown, therefore, he trusted, so far as he had already gone, that due economy was exercised by the existing machinery; that no grievances existed; and he would now proceed to show that even if any grievances did exist, this Bill, if passed, would not afford any remedy. It was suited for the county of Lancaster, and for that county only. There were twenty-seven unions in the county of Lancaster, and no detached bits of unions as there were in some other counties. The board there, under the new Bill, would consequently consist of 27 elected justices and 27 elected guardians, who would supersede a body of 450 magistrates. In the county of Worcester there were twelve unions, that is, twelve centres of unions; but there were also several detached bits of unions. They had four cases in which there were three Worcestershire parishes belonging to unions in other counties; they had two cases in which there were two Worcestershire parishes belonging to unions in other counties; and there were three cases where there was a single Worcestershire parish belonging to a union in another county. How, then, would this Bill operate? Those detached bits of unions were also to elect magistrates and guardians; but they must be magistrates of the county to which those parishes or bits of unions were attached. The consequence would be, in the four cases where there were three detached parishes, that although those detached parishes could each elect guardians, they would not be able to elect magistrates, for they would have no magistrates of the county in which the board was to act, to elect. In the three cases where there was a single parish, the guardian there, whoever he might be, must every year elect himself to be a member of the county board. The state of things he had described would destroy the equality; they could not have an equal number of

guardians and magistrates. They must have a greater number of guardians, for there were places where they could have no magistrates, there being no magistrate of the county in those districts. There was another objection. He would venture to give a union in Worcestershire, in which there were resident four magistrates, who from their abilities and habits ought not to be off any county board. They could not be well dispensed with, and it would be an injustice to deprive the county of their services; but under this Bill it would be impossible to choose more than one of them, and the others must be set aside, and magistrates elected from a different part of the county, who from habits and qualifications were not so fit to be members of the board. He would give the House another illustration of what would be the effect of the Bill. If the inequalities he had pointed out were corrected by not allowing such detached bits of unions to elect representatives, he would show that in the county of Worcester, with twelve unions, there would be twelve magistrates and twelve guardians; and see what an injustice that would be when there were 170 to 180 magistrates in the county. He considered the magistrates were, in the first place, the largest ratepayers; and, in the next place, he contended that their tenants did not pay the rate. Each occupier had but a small rate, and he maintained that directly, as well as indirectly, the magistrates were the largest ratepayers. That being the case, would it be just in the county of Worcester to supersede nearly 180 magistrates, and supply their places on the board by the election of twelve small ratepayers? What had happened in the county of Gloucester only last year? A question arose about the reduction of salaries; and what would be the result if small ratepayers were to settle the question? But 120 persons who paid a large portion of the rates came together, watched the inquiry with the greatest anxiety, and decided the question with great deliberation. The duties of the magistrates of England were never discharged with more care and economy than now: there was a finance committee in every county, and every transaction regarding the public expenditure was carried on under Act of Parliament in open court. He thought he was making the fairest possible proposal, when he asked them to go upstairs, and there, in a Select Committee, have a *bona fide* inquiry on the sub-

ject. Let them beware how they tampered with the existing state of things, or superseded the present men by a measure of this kind. Let not the House be carried away by the fallacy which many gentlemen were affected by, that the magistrates exercised an irresponsible and arbitrary power. It was not so. The magistrates could not arbitrarily impose taxation under the powers given them by the Act of Parliament. They had certain duties to discharge, and to enable them to carry out those duties, they had power to raise money, but that power was exercised in open court, and limited by statute. He did not say that no improvement could be made in the present system. He dared say, that if they went into Committee, an improved mode of auditing public accounts might be adopted, and means also taken to give increased facilities for the inspection of the public accounts. Though he could not sanction the second reading, he was willing to go into an inquiry on this subject, and he warned the House how they tampered with the present system of voluntary exertion.

Amendment proposed—

“ To leave out from the word ‘ That ’ to the end of the Question, in order to add the words ‘ a Select Committee be appointed to inquire into the present mode of levying and expending the County Rate in England and Wales, with a view to ascertain whether any more satisfactory mode of levying the said rates, and of giving to the ratepayers more effectual control over their expenditure, can be adopted, ’ ”

instead thereof.

MR. W. PATTEN expressed his regret that, from the manner in which the Amendment was framed, his hon. Friend the Member for Droitwich would not allow him to vote with him now as he did last year, when he proposed that this subject should be referred to a Select Committee. In a great deal of what he had said he entirely agreed; but the House had already expressed its opinion on the principle of the measure, namely, that the county ratepayer should have some control over the county expenditure. However, he would be ready to join with his hon. Friend so far as an attempt to amend this Bill, for he thought there was a great deal of it which was most objectionable. His hon. Friend had stated that the feeling regarding this measure in Lancashire had been caused by a county squabble with regard to two lunatic asylums. He believed that circumstance had added a little to the feeling on

the subject in the county of Lancaster; but it was not the origin of the feeling, which existed not only in Lancashire, but elsewhere, with regard to the control of the county expenditure. As to the conduct of the magistrates of the county of Lancaster, he had himself been ready to give an explanation of it, and to defend them from many of the misrepresentations which had been made of their proceedings; but the hon. Baronet had himself relieved him from this task. The feeling in Lancashire with respect to this question originated in a great measure from a sense of injustice as to the way in which the county rates were collected. In that he agreed, for the present system of collecting the county rate was not founded upon a strict principle of justice. The rate was levied immediately upon the occupying tenant, and included expenses with which the occupying tenant ought not to be saddled. It included permanent improvements—for instance, bridges, and several other buildings. He had lately met several of the ratepayers of Lancashire, by one of whom his attention was called to the subject of county bridges. He asked him (Mr. Patten) if it were not too bad that he should have to pay for a bridge in the neighbourhood, when he only held for two years, and the entire sum for that bridge had been laid on the rates for one year. As to the Bill of the right hon. Gentleman the Member for Manchester, he was sorry that he could not give it his full accordence. He would vote for the second reading of it, simply on this ground, that it recognised the principle that the ratepayers should have some control over the expenditure; but he reserved to himself the right to give expression to his disapprobation of a great portion of the Bill. One of his objections was, that the very abuses to which he had alluded were not provided against by this measure. The great body of ratepayers were occupiers, who would, of course, elect persons on the board to represent their own interests; and when a question came to be decided with regard to the erection of a large public building in the county, or the carrying out of any other improvement of a permanent nature, the occupiers would say they would not agree to it because they had no permanent interest in the matter. Consequently it would be impossible to have such improvements made. He was strengthened in this opinion by an examination of the petitions which had been presented to the House, and he could say that

as regarded those from his own county ninety-nine out of 100 of the signatures belonged to occupiers and not to owners. He thought the principle of popular control might be established without interfering with the judicial functions of the magistrates at all; and if they altered the system of collecting the county rates, and relieved the occupiers from the payment of those rates, they might have a system of representation by which those judicial functions would not be interfered with. At any rate it was undeniable that the inspection of the county rates might be given to the ratepayers of a county without interfering with the judicial control of the magistrates. At a public meeting of the county of Lancaster, he and his right hon. Friend had met the ratepayers from all parts of the county, and he was so satisfied with his right hon. Friend's statement on that occasion, of the course which he intended to pursue, that he promised to support him in it. The proposition which the right hon. Gentleman made then was the one he wanted him to make now; it was agreed to last Session by the House. But the right hon. Gentleman had changed his course altogether, and one reason why he (Mr. Patten) rose now was to show that he was ready to fulfil the engagement he had made to his right hon. Friend. On the occasion to which he referred, there was a general concurrence of opinion with the right hon. Gentleman; but this Bill, he thought, would meet with disapprobation. In conclusion, he would again say it would be better for his right hon. Friend, after the second reading of the Bill, to adopt the course taken last year, and let it be referred to a Committee to ascertain in what way popular control should be exercised over the public expenditure.

MR. HUME was anxious to disabuse the hon Gentleman who just sat down of the opinion he entertained that this Bill was otherwise than was intended last Session; and he thought the hon. Gentleman was under a great mistake, if he thought the supporters of the Bill had altered their plans. The hon. Gentleman who proposed the Committee said he wanted to have a *bonâ fide* inquiry; but was he ignorant that a *bonâ fide* inquiry had already taken place with the greatest care? An inquiry had taken place on the subject long before this Bill was introduced; that inquiry took place in 1835; and instead of the Bill *having* originated in the county of Lancaster, he (Mr. Hume), in the year 1837,

had introduced a Bill to the same effect. Many of the provisions of this Bill would not carry out the principle he contended for by his Bill; for, to remove the objections of magistrates, some of the provisions of his Bill were omitted. The Bill had been introduced in consequence of the report of the Committee which had inquired into the subject. In that report it was stated that the management of the county funds was regarded with some distrust, and whatever ground there might be for the imputation, it was natural it should be made whilst the funds were administered by individuals over whose proceedings there was no effectual control. The hon. Baronet the Mover of the Amendment had asked them, would they destroy the long established institutions of the country by superseding those who had so well conducted the business of the county; but he (Mr. Hume) tendered the evidence given before the Committee, to show that such a change was necessary. When the hon. Baronet the Member for Droitwich said the magistrates were better qualified to discharge the duties than persons appointed by the ratepayers, he (Mr. Hume) asked him what were the opinions of those who sent petitions to the House on the subject? There was not one petition that did not express distrust of the magistrates, and ask the House to pass a Bill that would give the ratepayers control over the expenditure. He would support the second reading of this measure, on the understanding that it should be then sent to a Select Committee, with instructions that that Committee should not enter into any new matter.

MR. PACKE called upon the House to consider how different the state of things now was, from the state of things that existed in 1835, when the report was made on which the hon. Member for Montrose founded his support of this measure. The law had since been completely altered, and the relative positions of the magistrates and ratepayers had been materially changed. Powers had been given to the Secretary of State for the Home Department, and to the Lunatic Commission, by which the expenditure could be controlled, and there were no complaints to be made at present, like those which had been made before that Committee. He, for one, would say as a magistrate, that he should be glad to get rid of the trouble of managing the county rates; but he was perfectly persuaded that if this Bill came into operation, it would cause confusion, and increase the

county rates. There was a provision for the payment of the members elected by the board of guardians, which might lead to jobbing, and also increase the county rates. The amount raised by the county rate was not, in fact, well known at present, because it was raised with the poor-rate. It was mixed up with the poor-rate, and the consequence was, if the ratepayers paid 3s., 4s., or 5s. in the pound, they immediately said, see how high the county rates are. Many ratepayers imagined that the county magistrates could do what they pleased as to the rates; but that was not the case. The rates were under four heads—1. Those for the protection of life and property, half of which was now thrown on the Consolidated Fund, and over which this board would have no control. 2. The sums for lunatic asylums; and as to those none could be built but with the sanction of the Lunacy Commissioners. 3. For Bridges. 4. For the registration of voters, over which also the board would have no control. Considering the expensive machinery this Bill provided, and the small sums over which the magistrates had any control, he was sure there would not be many petitions in its favour. If the county rates had been collected in a different manner from the poor-rates, he was quite sure that this outcry would not have been raised. He should therefore vote for the Amendment of his hon. Friend the Member for Droitwich, thinking that the House was not at present sufficiently acquainted with the subject to legislate upon it.

MR. HODGES entertained objections to some of the details of the Bill, but he should support the second reading. In his neighbourhood the magistrates were not very large ratepayers, and it might so happen that a magistrate might not be rated at all.

SIR J. GRAHAM said, he wished to state shortly the reasons of the vote which he was about to give. The object of the Bill was to provide for a better administration of county rates, and was founded on the principle of the introduction of popular control over the irresponsible power now exercised by the magistrates of England in reference to taxation. His hon. Friend the Member for Droitwich said, that the measure introduced a change of great magnitude. That was very true; but were they of late years so unaccustomed to changes of great magnitude? The reform of the borough corporations of England was a

great change. Previous to that the power of raising rates in all their municipalities was vested in a self-elected and irresponsible body. That was found to be so great a grievance by the ratepayers, that the principle of representation as a check on taxation was introduced by Parliament. Then, with regard to the poor-rate, what was the principle of the new Poor Law Amendment Act? Was it not the introduction of control by a body of guardians annually elected by popular constituencies to check that great branch of expenditure? The reform of the Poor Law was a great change. The reform of Parliament was a great change. Therefore the magnitude of the change did not alarm him. Well, but it was said in reference to this measure that the magistrates of England who exercised this irresponsible power were the great proprietors, and had the greatest interest in the expenditure of the county rate, and that, therefore, it was perfectly safe to allow them to regulate that expenditure, to which they themselves most largely contributed, without the check of popular representation. That seemed to him to be a very odd argument to use in the House of Commons. Why, on the very same ground they might entrust the taxation of the whole country to the House of Lords without any interference from the representatives of the people. The House of Lords consisted generally of the large landed proprietors of the country. They, therefore, it might be said, had an interest in keeping down taxation, yet was it found necessary to have the check and control of this elective assembly. The hon. Gentleman the Member for South Leicestershire said, that there was a limit to this power of taxation on the part of the magistrates; he said that the tax of county rate was a matter of no great consequence, that it was very small in amount. But it was one of those local burdens of which they had lately heard so much. It was small now, but it was very large a few nights ago, when you wished to transfer it as a local burden to the general taxation of the country. It was a sum, however, of 1,200,000*l.* The hon. Gentleman said, that there were only four heads of expenditure, but these were four important heads of expenditure; and if the magistrates decided on rebuilding a bridge, which, although to them it might seem to be necessary, might not appear to be so to the tenant, it would be but little comfort to him to read the account of the expenditure of his money in



the county newspaper. Hon. Gentlemen had lately called to their councils the tenant farmers of England; but if he was not mistaken, he read a speech made by Mr. Bennet, who was well known as the representative of the tenant farmers, in Willis's rooms, and he said distinctly with regard to a Bill introduced by the Under Secretary of State respecting roads, where the power was vested in the magistrates, that that measure was, in the opinion of the tenant farmers indefensible, because it transferred the power to the magistrates, who were irresponsible, and that, from the experience of the tenant farmers with regard to the county rate, they would not support or favour any further extension of irresponsible power in that direction. With regard to the county with which he was connected, a saving had been effected in the county expenditure of 40 per cent since 1822. Great abuses had previously existed, because the magistrates exercised their authority in secret court, and the public were not admitted to their discussions. The press and the public had been excluded, and he could state from his own experience that great jobbing had existed. Immediately after the passing of the Reform Bill an Act of Parliament was introduced, to the effect that all public money should be voted in open court; and the operation of this check was found to be most salutary in the county in which he had local experience. It was now the practice in most counties to appoint a financial committee, who prepared a report which was laid before the bench assembled in open court. That course had been very much commended, but he was not sure that it was not open to the objection of counteracting the good effect of voting money in open court, because a report so brought forward, ready cut and dry, was adopted without any or with very little discussion, and was generally acquiesced in and adopted off-hand. His opinion was that some check, founded on popular election, and consisting of ratepayers, acting with the magistrates, and on the magistrates, was now necessary, and ought to be established. That appeared to be generally acquiesced in. His hon. Friend below him was not prepared to resist that principle. It was said that this was a Lancashire Bill. He had always thought that the mode in which the county rates were administered there was admirable, considering the nature of the conflicting interests in that great county. There were rival and conflict-

ing interests in the north and south of that county; and by an excellent arrangement, it was agreed that an annual meeting should be held at Preston, where the expenses of the whole county should be discussed by the assembled magistrates, and the local expenses for the different portions of the county should be regulated. But that plan had been rendered inoperative by a system of adjournments, so that when a question arose affecting Liverpool, the meeting was adjourned to a special session in that hundred, and so on for the north and south of the county. In consequence of the adoption of that system of adjournments, the ratepayers, who had a deep interest in the administration of the funds, became dissatisfied. He was not prepared to say that the details of this Bill approached to anything like what he should have wished; but the question was, whether the time had not now arrived, when they should endeavour to introduce a better system of managing the county rate, and whether they should not sanction the principle of some popular control, to check the power of the magistrates. As far as that went, he should not hesitate for one moment to vote for the second reading. He was not prepared to pledge himself to the details, but the right hon. Gentleman who moved the second reading was ready to send it to a Committee. He (Sir J. Graham) believed that if such a Committee were appointed, the Bill, notwithstanding its imperfections, which were numerous, would come out of that Committee so improved as to be worthy the support of the House. On these grounds he should not hesitate for one single moment to support the measure.

Mr. AGLIONBY said, he came down prepared to support the principle of the Bill; and the arguments of the right hon. Gentleman the Member for Ripon, whose experience and judgment were entitled to the greatest respect, confirmed him in the view he took of the subject. He could state that the right hon. Gentleman was most assiduous in attending to the affairs of the county of Cumberland, and there was no person there who did not feel indebted to him for his assistance. He did not think the present system was calculated to give satisfaction in regard to the expenditure of the county rate, because those who levied and administered it were an irresponsible body. A question had been raised, whether it was the owner or occupier that paid the rate; but in the county where he resided there were a great

number of persons who occupied their own property, and it was a great hardship upon such persons to be told that the magistrates were the owners, and, as such, had the greatest interest in the expenditure for the county. He considered also that the mode by which magistrates were now appointed was most objectionable. There could be no doubt that a more effectual control over the county rate was necessary than any that existed at present. Therefore, he did not think that a Committee was necessary, and he expected no other result from it than doubt, delay, and dissatisfaction.

MR. SPOONER was of opinion that some control by the ratepayers over the magistracy was desirable, and the only question before the House was the way in which that principle was to be carried into effect. The Bill before the House was of a character so impracticable that he doubted whether by sending the Bill to a Committee they would not delay the accomplishment of the object which his right hon. Friend opposite had in view in proposing this measure. As, however, the right hon. Baronet the Member for Ripon had expressed his opinion that the Bill might be so altered in Committee as to make it a good measure, he should advise his hon. Friend to withdraw his Amendment. There was no doubt that the Bill would be thoroughly sifted in Committee, since the right hon. Gentleman the Member for Ripon had said that in its present form the Bill was totally impracticable. The Amendment of his hon. Friend differed from that which was proposed last year in this respect, that the Select Committee was to be directed to inquire, not into the "best" mode of levying the county rates, and controlling the expenditure, but whether any "more" satisfactory mode of levying the rates, and giving the ratepayers a control, could be adopted. He suggested, however, as the best course, that the right hon. Gentleman should withdraw his Bill, and that the whole question should then be referred to a Select Committee, the principle being conceded that there ought to be a more effectual control over the county expenditure by the ratepayers.

SIR G. GREY said, that when this Bill was before the House a few weeks ago, his noble Friend at the head of the Government stated the course which he intended to pursue, and the reasons why the Government had determined to affirm the

principle of the Bill by supporting the second reading. It was, therefore, unnecessary for him to take up the time of the House by entering into an explanation of those reasons. The principle of this Bill was the formation of financial boards based on the representative principle. The hon. Gentleman the Member for Droitwich was not correct in saying that this was a transfer of the duties and powers which now devolved upon a large number of magistrates to a body consisting of ten or twelve persons, because it must be borne in mind that these boards would be mixed. He had no hesitation in expressing his concurrence in the general principle of the Bill, but, at the same time, he felt that there were very great difficulties in the way of carrying that principle into effect, as the Bill was framed, differing, as he did, from many, and these important, details. The Bill, though based on a sound principle, could only be carried into effect after due inquiry, and with great caution. The hon. Gentleman who spoke last admitted that there was a difference between the Motion now brought forward, and the Amendment moved last year. The terms in which the Amendment of the hon. Member for Droitwich was framed, would imply that the principle of popular control was to be referred to the Committee; whereas last year that principle was distinctly affirmed by the House. It was clearly understood that if the Bill was now read a second time, the right hon. Gentleman who had charge of it would refer it to a Select Committee for a thorough investigation. If, then, this principle was admitted by the Committee, it was but fitting that they should have before them a Bill with a specific plan for the purpose of carrying it out. The mode of election, whether the election should be annual or not, and the qualification of the members of the board, were all matters of detail. He begged to say that he did not support this Bill, on the ground that the magistrates did not pay proper attention to their duties. From his own experience he could state that, in regulating the county expenditure, the magistrates had endeavoured to combine economy with efficiency; and, while he thought the principle a sound one, and the demand a just one, that taxation and representation should go together, he must not be understood to throw any imputation upon the magistrates. The paper which had been referred to appeared to him to afford a complete explanation of the expenditure

of the county of Lancaster. This Bill required much consideration. One point must be fully considered, which had attracted the notice of the hon. Member for Oxfordshire on a former occasion, namely, as to whether they should leave duties to be discharged by magistrates when they took away the power of performing them by leaving no funds at their disposal. For these reasons, he hoped that the Bill would be speedily returned from the Select Committee with such amendments as it might deem it expedient to introduce.

SIR R. PEEL wished, as he had, like his right hon. Friend the Member for Ripon, filled the office of Secretary for the Home Department, and was also a Member of the Committee in 1837, and had paid much attention to the subject, shortly to state the grounds upon which he should vote. He did not give his vote on any supposition that the magistrates of the county had abused the power and trust reposed in them, but from a conviction that there was a defect in the constitution of the body to which these powers were entrusted. He believed that implicit confidence might be placed in the integrity of the gentlemen who constituted the magistracy; and that, as far as they were personally concerned, there was no body of men on whom he should less hesitate to repose trust. As he said before, however, there was a defect in the constitution of the present county board, which rendered it difficult for them, with every caution, to give entire satisfaction. He presented a petition yesterday on the subject of this Bill, from a body that was highly calculated to exercise an unprejudiced and dispassionate judgment on the matter. It was from a board of guardians in a part of the country with which he was immediately connected, who urged that there should be some concurrent control with the magistrates over the county expenditure; and that for this purpose the principle of representation should be adopted. The petition was unanimously adopted by the board, and was concurred in by nearly all the magistrates who generally came in contact with it. The petition prayed for some concurrent control with the magistrates. Looking at the opinions which prevailed out of doors as to the charges which were borne by the county rate, and at the complaints which were urged against taxation, he thought there would be great dissatisfaction if all inquiry were not in some degree controlled by the principle

of representation. Though his belief remained unaltered as to the integrity of the magistrates, he conceived the time had arrived when they should freely and calmly consider the whole subject; and, after what had passed, if he was a magistrate, he should not wish to retain the power objected to without such inquiry. If all inquiry were refused, the magistracy would be placed in a very invidious position; their duties would become more irksome and difficult; and they ought, therefore, to acquiesce in, rather than dissent from, the proposal calmly and dispassionately to consider their position. On these grounds, he wished for the fullest inquiry into the whole subject of the control of the county rates. In the county of Lancaster unjust imputations had been thrown out as to the conduct of the magistrates in regard to the imposition of the rates. He had gone through the accounts, and he was satisfied that this unfavourable impression had arisen from a supposition that the increase of the rates was the act of the magisterial body, from attributing the increased expenditure, due to other causes, to the want of vigilance, or profusion of the magistrates. He was sure they were anxious, not that they should at once legislate, but should consider whether there could not be some concurrent control with that which they exercised. It appeared to him, indeed, that there was little difference of opinion on the subject. He, therefore, was inclined to support the second reading of the Bill, in preference to the Amendment of his hon. Friend, reserving to himself the right to consider any important modifications of it when it reached the Committee. By voting for the second reading, he should admit—what he was prepared to admit—the principle that the representative system should, to a certain extent, be adopted in the administration of the county funds. His hon. Friend the Member for Droitwich admitted the same thing, for he proposed that the House of Commons should institute a Select Committee to inquire into the present mode of levying and expending the county rate of England and Wales, with a view to ascertain whether any more satisfactory mode of levying the said rates, and of giving to the ratepayers more effectual control over their expenditure, could be adopted. It was impossible not to discover, in this admission of the necessity of inquiry, a recognition of the general principle of the Bill. In voting as he intended

to do, he only recognised that general principle which was virtually acknowledged by his hon. Friend in his Amendment. He did not care very much which Motion was adopted, as in his opinion each implied an admission in favour of the principle of representation. Without implying the least suspicion of the fidelity and care with which the magistrates had hitherto performed their functions of managers of the county expenditure—giving them the fullest credit for the manner in which they had discharged the duties entrusted to them—he should vote for the second reading of the Bill.

MR. ROBERT PALMER said, that in the county which he represented, no strong objection was felt to the principle of the measure; but with respect to the Bill itself, he believed that it was impracticable. If the Bill should be referred to a Select Committee, it was not likely that a single clause would ever come back to the House; nevertheless, after the opinions which had been expressed by high authority in the course of the discussion, he would not object to the second reading of the Bill.

MR. HENLEY really wished to know what was the principle of this Bill, for several hon. Gentlemen had given a totally different description of it; he therefore preferred the Amendment of his hon. Friend the Member for Droitwich. The right hon. Secretary for the Home Department had said, that if the change proposed by this Bill should be effected, the magistracy ought to be relieved from certain duties. That was what he had himself suggested, and he did not object to it; but he would show the House how it was proposed to effect the object by the Bill.

SIR G. GREY said, that he had referred to provisions which ought to be introduced into the Bill, but were not in it now.

MR. HENLEY begged the right hon. Gentleman's pardon; they were in the Bill at that moment. The Bill was the Bill of last Session amended, and it was amended as regarded the particular point to which the right hon. Gentleman had referred. It did, in fact, contain the provisions which the right hon. Gentleman said were not in it. The Bill completely superseded the power of the magistrates with respect to all matters relating to the allowance of rates of every kind. It superseded them as regarded the duties of visiting prisons, lunatic asylums, and workhouses, and he believed that by the 8th clause they were also superseded as *ex officio* guardians of the poor. Now, with all

these matters introduced into the Bill, who would undertake to say what its principle was? The right hon. Member for Ripon said that the county rates of Cumberland had been reduced 40 per cent within a stated period; but he had not informed the House whether that reduction was the result of the completion of the permanent buildings of the county for which the high rates were formerly required. The right hon. Gentleman said something about the magistrates increasing the rates by the building of new bridges, but he ought to know that, by law, no bench of magistrates could order a new bridge to be built. [Sir J. GRAHAM: They can pull old ones down, and build new ones.] County bridges, after all, were not very numerous. The reduction of the rates in Cumberland was, no doubt, caused by the completion of the permanent buildings of the county. In order to show the difficult nature of the question with which the House was called upon to deal, it was only necessary to state what the gentleman who framed the Bill proposed should be done with respect to auditing the accounts. They were afraid to intrust their own newly-elected body with the auditing of the accounts, so they established a separate audit, and gave every single ratepayer the right of appeal against the audit; and to whom did the House suppose the appeal was to lie? Why, to the justices at quarter-sessions. That was a specimen of the extraordinary inconsistencies into which the authors of the Bill had fallen. The 8th clause transferred to the new board all the functions now discharged by magistrates, excepting judicial ones. Now, the commitment of prisoners was not a judicial function, and therefore the magistracy would be divested of that. Another clause repealed every Act of Parliament which was inconsistent with the provisions of the Bill. That was summary justice with a vengeance. After such a sweeping clause as that, it might be supposed that a schedule would be annexed to the Bill, containing the titles of all the Acts of Parliament which it was proposed to render thus null and void; but there was nothing of the kind. This important question ought to have been taken up by the Government, and Ministers shrank from their responsibility in leaving the Bill in the hands of a private Member. In conclusion, he begged to state, that he did not object to the principle of establishing popular control over county expenditure.



SIR G. STRICKLAND felt, as the subject had been fully discussed, that there was no necessity to go into it. The principle was admitted that there should be some popular control over the county expenditure, and the only possible effect of the Amendment would be, to cause further delay, which would give rise to much dissatisfaction. He should not have addressed the House, unless for the observation of the hon. Member for Droitwich, that this was a Lancashire question, and that it arose from a squabble between the two divisions of it as to building a lunatic asylum. He could state that this was not a mere Lancashire question; but there was a very general feeling in favour of the Bill in many counties of England. He was sure, in all places where the subject had been considered, there was a strong desire that this Bill should pass into a law. In the county in which he resided (Yorkshire), few subjects had excited so much interest as this question of control over local expenditure. A worthless and extravagant expenditure had been gone into for building a great wall round the gaol, which was more fitted to resist another Danish invasion than to serve any useful purpose at the present day.

MR. E. B. DENISON said, that his hon. Friend had observed that there was a general feeling in favour of this Bill. Now he believed he had presented the greatest number of petitions, perhaps, that had been presented to the House from any district, except Lancashire, namely, the West Riding of Yorkshire; and he had examined all those petitions attentively, and though in their general tenor they prayed for the establishment of financial county boards, they did not say one word in favour of such a Bill as that before the House. He never recollected a Bill which had been so cordially pulled to pieces on both sides of the House as this had been, and he did not believe that any hon. Member competent to form an opinion on the subject would vote for any of its clauses as they stood. He believed, when it returned from the Select Committee, they would find every word in it changed, except the first word "Whereas." It had been said last year, that popular representation should be mixed up with this part of the magisterial business of the country, but he doubted much whether the plan could be made to work well. He had no objection to the exercise of control over the county expenditure; but he warned the House against

such powers being entrusted to bodies which might defeat the objects and intentions of the magistrates, and the Government of the day. No doubt the expenditure was very great, and the county rates had of late years pressed heavily upon the ratepayers. But to what was that owing? Why, to the building and improvement of prisons; and thus the very outlay itself has been instrumental in saving expense at future times. He believed between 60 and 70 new prisons had been built, and others had been improved at great expense; and this was absolutely necessary to carry out the Acts of Parliament, which declared that a certain and uniform system of prison discipline should be adopted. He warned the House, if they put it to the ratepayers or their delegates to say whether a prison, or bridge, or other public work should be erected, they would often find them take a shortsighted view of the case, and refuse to assent to the proposal. Nowhere had the expenditure for these purposes been so great as in Lancashire and the West Riding. In the latter district, ten years ago, the expenditure was 49,000*l.* a year, while in the last ten years it had been respectively 102,000*l.* and 93,000*l.*, which had been occasioned chiefly by the erection of a new prison. He was sure, under the Bill as it stood, the county expenditure would not be reduced.

SIR H. WILLOUGHBY was not prepared to support the Bill of the right hon. Member for Manchester. It had been stated that the county rates of England and Wales amounted to 1,250,000*l.*, the management of which it was proposed to leave to local elected boards. How they could think of imposing fifty-two county financial boards on the country, which were to perform functions somewhat analogous to those of the House of Commons, he did not understand. He did homage to the principle of taxation being allied with representation; but, in this case, he thought the Government should propose to the House to take many of the charges now on the county rates and defray them from the public funds of the country. He would not detain the House by going through the sixteen heads of charges on the county rates. He could not understand why the charge for coroners' inquests, and for the inspectors of weights and measures, should be defrayed out of these rates. Again, if a person committed a robbery, and stole a bale of goods, or any other article, he was prosecuted at the public expense, but he

maintained, on conviction, in prison was at the expense of the county. Why this should be allowed to continue, he could not understand.

MR. M. GIBSON said, he was not on the present occasion going to repeat himself. All he intended to do was to impress this—that the House was not forced to commit itself to the details of the present measure. They were only asked that, having adopted the measure, which, to the best of the ability of those who framed it, they thought was calculated to carry out the representative system in controlling expenditure, the House would give the proposition a chance of being submitted to a Select Committee, who would give the matter full and deliberate consideration. He thought the proposition was a fair and reasonable one. He thought he should not be doing much service to the cause he was supporting, were he to undertake to defend in that House the details of the measure, especially against so acute a critic in Acts of Parliament as the hon. Member for Oxfordshire, who always made him (Mr. Gibson) tremble when he set about explaining or criticising one. These details would undergo full consideration; and were certain to be brought into such shape as to secure the principle which they sought to establish. The adoption of the Bill would furnish a check to inconsiderate and extravagant expenditure; and, in his opinion, when brought into operation, could not be regarded as throwing a slur on the characters of magistrates, but as a measure analogous to the principle acted on in boroughs, where town councils had the control over the expenditure of the rates.

SIR H. HALFORD should have preferred the adoption of the Amendment of the hon. Baronet the Member for Droitwich, because he believed it would be found that in this Bill it would be impossible to separate the machinery from the principle of it. It was proposed that boards of guardians should each elect a member of their boards; but in that case they would depart from the principle of property being the qualification. He denied that occupiers had a direct interest in the question, for the burden ultimately fell upon the owners of property.

SIR J. PAKINGTON said, in explanation, that the right hon. Baronet opposite had referred to the difference between the terms of his Amendment this year and last year. He had only to say that this difference was entirely accidental; and he had

no objection to adopting the very same words as he had used before. With regard to whether he should divide the House or not on his Amendment, he found that he now stood in a very different position from the one he occupied when he moved the Amendment, having had the satisfaction of finding that almost everybody, on all sides, condemned this Bill; and it was therefore a question for the House whether it was desirable to send such a Bill to an inquiry upstairs. But, bowing to the high authority before and behind him, and hoping that the future progress of the measure would be watched with jealous care, he would not put the House to the trouble of a division.

Question proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill read 2<sup>o</sup>, and committed to a Select Committee.

#### PUBLIC LIBRARIES AND MUSEUMS BILLS.

Libraries and Museums Bills—Order for Second Reading, read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. EWART, in moving the second reading of this Bill, said, he had already explained its objects in detail on introducing the measure. The simple object of the Bill was to give a permissive power to town councils, to levy a small rate for the establishment of public libraries and museums in all municipal towns. The Bill was founded on the recommendation of a Select Committee which sat last Session, and also on the expressed wishes of several towns which had petitioned Parliament on the subject. An Act called the Museums Act was passed four years ago, enabling town councils in towns having a population of 10,000 inhabitants and upwards to levy a small rate to establish museums of art and science for the benefit of the public; and all that the present Bill proposed was to extend the principle of the Museum Act to the establishment of public libraries also. In asking the House to adopt such a measure, he was backed by the feeling of many of the towns of the country; and since he had introduced it, he had received communications from several large towns in Scotland and Ireland, which were desirous of having the Bill extended to both of those

countries as well as to England. He had only to repeat that he was fully prepared to adopt any reasonable amendment when the Bill went into Committee; and as the measure was calculated to afford the working classes in our populous towns proper facilities for the cultivation of their minds, and the refinement of their tastes in science and art, he trusted the House would assent to the principle by agreeing to the second reading.

COLONEL SIBTHORP thought this Bill nothing more nor less than an attempt to impose a general increase of taxation on Her Majesty's subjects; and doubted whether it was legitimate to introduce such a measure, excepting in a Committee of the whole House. He would be happy at any time to contribute his mite towards providing libraries and proper recreations for the humbler classes in large towns; but he thought that, however excellent food for the mind might be, food for the body was what was now most wanted for the people. He did not like reading at all, and he hated it when at Oxford; but he could not see how one halfpenny in the pound would be enough to enable town councils to carry into effect the immense powers they were to have by this Bill. He strongly objected to the clause enabling them to borrow money on the credit of the borough rates to carry out the purposes of the Act. He would be very glad, he had said, to give his mite to provide the city of Lincoln with the benefits of a library; but when it was said that giving a few coals to a poor man was corruption, no doubt it would be said, "Oh! what a gross act of bribery to give a few pounds for a public library!" He did not charge the hon. Member for Dumfries with seeking to lay a trap for him and others, but he would have been much more ready to support the hon. Gentleman if he had tried to encourage national industry by keeping out the foreigner. Before going any farther he would take the liberty of asking the right hon. Gentleman at the head of the Home Department whether it was constitutional for a private Member, unconnected with the Government, to introduce a Bill to levy taxes from the Queen's subjects?

SIR G. GREY did not apprehend there was anything unconstitutional in this Bill with regard to the levying of rates, which it proposed to do under Act of Parliament. Under the present Museums Bill, town councils already had that power; and this

measure was merely an extension of the same principle. It was plain that if this Bill was unconstitutional, the Museums Bill must be unconstitutional too. Town councils were constitutional bodies elected by the ratepayers; and he saw no objection to the principle of this measure.

COLONEL SIBTHORP: He felt that this Bill would increase the taxation of the people in times when it was not at all necessary; and therefore he moved that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BUCK approved of the objects of this Bill, but objected to the unjust mode it proposed for carrying them out. The additional taxation which it proposed, at a time when the nation was so generally impoverished, was considered a great grievance by the manufacturing as well as the landed interest of the country; but the burden would fall as heavily on landed property in the precincts of small towns as it would on the ratepayers generally of those towns; while the agricultural classes, by their position, could not participate in any of the advantages of the Bill. Nothing could be more obnoxious than that to the feelings of the landed interest, and, therefore, he most oppose the second reading.

MR. BROTHERTON was much surprised at the opposition offered to this Bill, because, in the first place, the measure was entirely permissive; and, secondly, the rate was limited to one halfpenny in the pound. The manner in which the money could be applied was restricted to the erection of or paying rent for a building for holding a public library and a museum. No power was given to lay out the funds in the purchase of books, specimens, or pictures: all these were left to depend on the voluntary contributions of the inhabitants. In the popular boroughs of the country, this was a very popular measure. In the borough with which he was connected (Salford), the town council, acting as the representatives of all the ratepayers, had come forward with the greatest alacrity to provide a building for a public library and museum. The private gifts of the inhabitants had already stocked the museum to a considerable extent; and there had been voluntary contributions made of between 5,000 and 6,000 volumes to the library (which was attended by hundreds every night) in less than six months. He contended that this

Bill would provide the cheapest police that could possibly be established; and what was the use of education for the people, unless they were enabled to consult valuable works which they could not purchase for themselves? It was the duty of the House to promote all that had a tendency to bring the higher and the humbler classes together; but this could not be done unless the people had the assistance of those above them.

MR. GOULBURN considered that the hon. Gentleman who had last spoken had satisfactorily proved that it was necessary for the advantage of the people to pass the present Bill, for he had shown that in the large borough which he represented there had been, as in all the other boroughs of the country, a liberal disposition on the part of the wealthy and those in a better station of life to provide the rational means of improvement and enjoyment for their poorer fellow-citizens. But the hon. Gentleman said this Bill would establish a library, and provide chairs, tables, and everything necessary for the enjoyment of a library by a rate; but that it would not enforce the purchase of books from the rates as well. Now he (Mr. Goulburn), as an innocent man, certainly had thought that books always formed part of what was necessary for the enjoyment of a library. He differed also with the right hon. Baronet the Home Secretary with regard to their having already sanctioned the principle of this Bill by adopting the existing Museums Bill. He did not think this Bill would exactly impose a tax on the landed classes; but he feared it would tend to make the poorer inhabitants of boroughs pay extensively for enjoyments of those who were better off than themselves. Because, no doubt, it would be found that a rate of halfpenny in the pound in a small borough would go a very little way after the erection of public buildings for libraries and museums had been completed; and instead of providing those valuable books of reference which the hon. Gentleman thought ought to be placed in a library of this description (and in this he perfectly agreed with him), all that the funds would be able to provide would be the daily and weekly newspapers, and the library would thus become a mere newsroom which only those well-to-do people who had plenty of leisure, and could run into learn the news about the time when the post had just arrived, would be able to avail themselves of, although the poorer rate-

payers, who would either have no time for reading, and might live at a considerable distance from the spot, and who yet had to bear their full share of the expense, would be totally deprived of all the advantages of the library which their better circumstanced fellow-townsmen alone enjoyed. That he never could think a just or fair imposition of burdens. But, again, suppose the town council had a small sum to spare for the purchase of books—who was to have the power of selection? Should there be an unrestricted presentation of all those publications daily emanating from the press, which certainly were not calculated to promote the preservation of either public order or public morals? Or was there to be a supervision of the different works to be introduced, thereby establishing a kind of censorship for these public libraries? As long as they were supported by voluntary contributions, no difficulty of this kind could arise; but, for the reasons he had assigned, he thought this Bill to institute public libraries from the borough rates, to which all classes would have to pay equally, whether they derived any benefit or not, a highly unjust and objectionable measure, and therefore he must oppose its second reading.

MR. BERNAL said, his objection to this Bill rested on a very narrow and limited ground. If it had proposed to give power to town councils on an application to the Treasury from two-thirds or three-fourths of the inhabitants of a town, to be allowed to adopt the principle of the Bill, to tax the general body of the ratepayers for the establishment of libraries and museums, he would not have had so much objection to this measure. But he found fault with it because it would enable any town council desirous of carrying out the views of any small section of the inhabitants to tax the general body of the ratepayers for an institution that might soon degenerate into a mere political club, for which only a few of those who were compelled to contribute for its support had any sympathy. However noble the diffusion of knowledge might be, they should not forget that a halfpenny in the pound, although it might seem to be a very small rate, was really a serious addition to the burden of taxation when it became an annual charge on the poorer classes of the ratepayers. Had the Bill been really permissive, as was alleged, he would not have opposed it; but it proposed to clothe town councils with imperative powers; and



therefore he would support the Amendment.

MR. HUME said, the House ought, of course, to take care what powers it conferred. He entirely approved of the object of the Bill, though he differed from the hon. Member for Dumfries as to the best mode of obtaining it. Had he read the Bill before that day, he would have suggested to the hon. Member the adoption of a principle similar to that which was applicable to the lighting of towns. Were the Bill adopted, he saw no reason why the *Daily News* and the *Times* should not be provided in the library. Reading led to reflection, and the public benefit was thus generally promoted. In the United States there were ten thousand libraries, and this country would do well in that respect to imitate America. He should vote for the second reading, and his further concurrence would be dependent on a provision requiring the concurrence of two-thirds of the rate-payers.

MR. G. HAMILTON said, any one who had read the evidence would see how great the desire was on the part of the middling and lower classes, especially in boroughs, for access to libraries, and the means of acquiring useful information; and he should much regret that some means of gratifying that desire should not be adopted. There were two questions before the House:—1st, whether the law which gave to town councils the power of making an assessment for the purpose of museums should extend to libraries; and, secondly, whether it should also extend to boroughs not at present included in the Act. With regard to the first question, he thought that libraries were at least as useful as museums; and, in reply to the second, he thought that provisions might be introduced in Committee amply to protect the rate-payers, especially if confined to boroughs with not less than a certain amount of population.

LORD J. MANNERS was surprised to hear the right hon. Gentleman the Secretary of State for the Home Department assent to the second reading of this Bill after his continued opposition to the repeal of what was erroneously called the law of mortmain. Why were not schools, hospitals, and churches, to receive the same benefit as the proposed Bill gave to libraries and museums? Whenever he (Lord J. Manners) had attempted to obtain the repeal of that Act, he was told that he was either a Papist or a Jesuit. To be sure,

the Bill was introduced by a representative from Scotland, and another from Ireland, neither country being subject to that law; but, when the right hon. Baronet gave it his sanction, he thought it was about to be passed through the House without the consideration it deserved. As far as the great principle of the Bill was concerned, no one was more anxious to support it than himself; for his experience of towns led him to wish that in every town not only public museums but public libraries were established; at the same time, the public did view with great suspicion any measure that tended to increase the amount of local taxation. He admitted that the Bill would not tell upon the landed gentry, but it would impose an additional tax upon the agricultural labourers, whose wages had been decreased to the extent of 2s. or 3s. a week by recent legislation. He had himself been desirous to introduce a Bill for providing greens and places of amusement for the public; and he would beg to ask the right hon. Gentleman whether the Government might not think it desirable to bring in a measure which might combine within itself all the valuable suggestions which they had heard in the course of the debate.

MR. LABOUCHERE said, he was not about to accept the invitation of the noble Lord to discuss the policy of the Government taking up the whole question, for he thought it better for the House to confine themselves at present to the single point brought before them by the hon. Mover. He was inclined to take the same view as the hon. Member for Montrose. It would be most useful if in every good-sized town a well composed library was established, to which all the inhabitants had free access. Every one who had experience in country towns must know that there was a great want of access to good books. That was the case with regard to boroughs; but in some parishes much improvement had been effected by the establishment of local libraries. He agreed that it was of much greater importance that there should be a good library than a museum. Nothing, he believed, could be more visionary than the fear that these libraries would be filled with novels and the worst description of publications—bad and useless as literature—or that they would be mere receptacles for newspapers. Why should such distrust be entertained of the discretion of the town councils, who, he conceived, could be as safely trusted with

the management of this as of other matters placed under their control. The question was of considerable importance, and one in which all classes were interested; and he confessed he did not think these libraries could lead to those consequences which some hon. Gentlemen who opposed the measure appeared to apprehend. For his own part he wished for the extension of instruction, and that the facilities for the enjoyment of good books were more general, and he believed that the establishment of libraries of this kind would have a good effect in promoting education. The Bill, as it now stood, required, he admitted, very important alteration; but he advised the House to pass the second reading, and those alterations could be considered in Committee. To the principle, however, he gave his cordial approbation. His opinion was, that the libraries should be lending libraries, or their usefulness might be much impeded. He should regret if a measure of this kind should not receive the sanction of the House so far as to pass the second reading.

MR. W. MILES said, his objection to the Bill was, that it gave the town council the power of taxation without consent. Some of the boroughs were of small extent in themselves, but included an immense extent of land, with a scattered and distant population, all of whom might be taxed for the support of an institution they could not possibly use. Moreover, there was something like a false pretence in the Bill; for although the maximum rate was said to be only a halfpenny in the pound, he observed that, by the third clause, it was enacted, that, for the purchase of land—rather an expensive part of the proceedings—it should be lawful for the town council, from time to time, with the approval of the Treasury, to borrow money at interest. But the security for that loan was not to be upon the halfpenny rate, but upon the borough rates. Thus the town council would have the power of borrowing, for the purchase of land and the building of the library, and they would likewise have the power of charging the cost by an addition to the borough rate. Neither he nor those who sat with him had the least objection to the instruction of the people, but they had an objection to taxation being imposed without the consent of parties who were to pay; and he hoped to hear the assurance of the hon. Mover, that he would introduce a clause by which the concurrence of three-fourths of the ratepayers

should be obtained before the town council should have the power of imposing a rate.

MR. BRIGHT said, there was evidently great accordance on both sides of the House with regard to the object of the Bill, and he hoped, therefore, that the House would not on account of certain objections, which might be removed, refuse to read it a second time. The right hon. Gentleman the Member for the University of Cambridge seemed to take an entirely erroneous view of the halfpenny rate, which was only intended to apply to the building and furnishing of the library, the books being supplied by voluntary contributions. There must be a large concurrence of opinion before any step would be taken. The town council would not borrow 5,000*l.* to build a library unless they felt satisfied that the wealthier inhabitants would furnish books. He admitted that the borrowing of money on the security of the borough rates would be objectionable; but he thought that if the borrowing were limited to the security of the borough rates, there was not likely to be any excessive expenditure. He would be ashamed of himself and of the House if he supposed that it would be necessary to say a word in favour of the object of the Bill. The right hon. Gentleman seemed particularly afraid that the ratepayers would read the *Daily News*. He (Mr. Bright) was quite sure that nothing would tend more to the preservation of order than the diffusion of the greatest amount of intelligence, and the prevalence of the most complete and open discussion, amongst all classes; and for that reason he rejoiced that the taxes on knowledge were to be discussed on an early day. He would give his support to the second reading, but on the understanding that the clause proposed by the hon. Member for Rochester be added to the Bill.

MR. SPOONER observed, that as books, which seemed to be not only the best but most necessary furniture for a library, were left to the chances of voluntary or charitable contributions, the expenses of building and furnishing, for which it was proposed to make a rate, might be supplied from the same source. It would be of no use to establish public libraries if the Ten Hours Bill was not carried out, and factory labourers were prevented availing themselves of such institutions; and he doubted if the measure was really calculated to effect the object which both sides of the House wished to carry out, of providing good libraries.

well stored with useful books. There was no clause in the Bill stating how the library was to be conducted. The effect would be that farmers and out-residents in a borough who could not use the library would be taxed for its support; he also objected to the principle of taxing a whole community for objects by which only a few would be benefited; and by the institution of lectures hereafter he almost feared that these libraries might be converted into normal schools of agitation. He also anticipated the probability that hereafter there would be a call for increased rates, and that it would be urged that another halfpenny in the pound would not be too much.

MR. SLANEY thought, that the objections urged against the Bill might be dealt with in Committee. He agreed with the hon. Member for Manchester and others as to the admissibility of giving the ratepayers the option of establishing libraries, &c.; but that was a point of detail. They had now only to deal with the principle to which the House seemed to assent. The hon. Member who spoke last said they should not tax large communities for the benefit of the few. But these libraries were to be established upon the lending system, and if that system were fairly carried out, the hon. Gentleman's objection was at once met. Where libraries had been established on that principle, they had been found highly beneficial to the working classes. Besides, it was not taxing to the extent represented by the hon. Member, because by encouraging habits which kept the working man from the public-house, they lessened the incentives to a dissolute life, and, consequently, to idleness and crime; which cost the country much more than all the libraries they could build under this Bill.

MR. ROUNDELL PALMER must express his dissent from the proposition that they were all agreed as to the principle of this Bill. That it would be desirable to have good public libraries in all towns, all must admit; but that was not the principle of this Bill. The principle of this Bill was taxation without the consent of the persons to be taxed. According to the principle of the hon. Member for Manchester, this Bill would be totally inefficient for all the purposes for which it was to be introduced; for the hon. Gentleman said, that by passing it they did no more than enable town councils to erect the buildings and to purchase furniture. Why, unless they were possessed of libraries and museums, what town councils would be justified in erecting

buildings in anticipation that charitable persons would afterwards present them with books and curiosities? It was evident that the Bill was intended for ulterior objects, by which powers would be given for the purchase of books, and perhaps also for the fitting up of lecture-rooms. He hoped the House would consider well before they applied to institutions of this nature the principles of public management, and compulsory rating instead of the voluntary and self-supporting principle, which he believed to be the life and essence, and the cause of the utility, of such institutions. He questioned whether what they were about to do would increase the love of knowledge amongst those who never entered upon the subject voluntarily, and he was most apprehensive that the moment the compulsory principle was introduced, a positive check would be imposed upon the voluntary self-supporting desire for knowledge which at present existed amongst the people. On these grounds, most truly desirous to see learning extended, and valuing as much as possible good public libraries; yet, as he intended to take his stand against the substitution of the compulsory for the voluntary principle in all matters of education, and viewing this measure in connexion with others on the same subject, he should certainly divide against it.

SIR R. H. INGLIS contended that the real principle of this Bill was not the establishment of public libraries. The only power given to the town council under it was to raise a tax for the purpose of constructing empty rooms, which might, indeed, have the potentiality of receiving books; but the books, if any, would have to be paid for, not from the halfpenny, but from the borough rates. The machinery was clearly adapted, not merely for the purpose of procuring books, but also of creating lecture rooms, which might give rise to an unhealthy agitation. Under these circumstances he thought it his duty not to consent to the second reading.

MR. HEYWOOD observed that, in the expectation of this Bill passing, twelve gentlemen had come forward with a subscription of 100*l.* in order to establish a public library. He believed that in all towns the Bill would prove of the greatest utility, by the improvement in the morality of the public to which it would lead. He should, therefore, have the greatest pleasure in supporting it.

MR. WYLD was of a similar opinion. He also regarded it in the light of an eco-

onomic question, believing that the improved condition of the people, which it was certain to bring about, would have the effect of immediately diminishing those rates to which the county was subjected on account of crime. He also, in support of this view, referred to an experiment which had been made in a certain manufactory—namely, that of taking twelve women from the educated and twelve from the ordinary class, and setting them to work in the same department, when it was found that the educated twelve produced 30 per cent more work than the others.

Mr. P. HOWARD thought the object of the measure and the new principle which it introduced were very little known in the country. He thought that a Bill of this nature, which proposed additional taxation, should arise out of some spontaneous movement on the part of the people in its favour. He objected to the Bill, because it would tend to check the efforts of private enterprise in support of mechanics' institutions and the like. He thought, too, that municipal corporations had usually sufficient work on hand without having this additional duty imposed on them.

Mr. OSWALD would also vote against the second reading of the Bill, believing that it was going to do by Act of Parliament what would be more efficiently done by private enterprise. In the boroughs of Ayr and Kilmarnock, and in almost every other borough in Scotland, there were excellent libraries established without any help whatever from that House. He also objected to the Bill, because it would increase the rates of Scotland.

Mr. EWART, in reply, said that the hon. Gentleman seemed to forget that this was merely a permissive Bill. He would not at that late hour go into all the objections which had been urged against it, but would only say that existing libraries had been formed on the Museums Act, on the principle of which he had framed the present Bill. The objections urged could not be removed by a short discussion. He would give his careful consideration to all those objections, and endeavour, if possible, to meet them, and render the Bill more popular; but he could not pledge himself to adopt the suggestion of the hon. Member for Somersetshire.

SIR J. GRAHAM wished to know from the hon. Gentleman whether he would pledge himself to introduce, in Committee, the clause suggested by the hon. Member for Rochester, that before a town council

exercised its powers under this Bill, there should be a requisition to them on the subject from a majority of the ratepayers?

Mr. EWART had no objection to give that pledge, so far as the principle was concerned; but the precise form of the clause would require to be well considered.

Mr. MUNTZ hoped his hon. Friend would reconsider this matter and give a more definite answer, because this point was too important to be left uncertain. He was as anxious as the hon. Member to promote the object in view, but he could not subscribe to the Bill in its present shape.

SIR G. GREY was not in the House when the hon. Member for Rochester spoke, and was not till this moment aware that he had thrown out a suggestion that there should be some check on the part of the ratepayers upon the improper exercise of the powers of the town councils—a suggestion of which he (Sir G. Grey) highly approved. He understood that his hon. Friend was willing to introduce some such check, and that he only hesitated to pledge himself as to the precise nature of it. He must say that he thought it unreasonable to call upon him to say at that moment what the precise check should be. He thought it sufficient that he promised to submit the point to the consideration of the Committee. In the meantime the question before the House was the principle of the Bill, and not its details, and, in the hope that some check of the kind suggested would be introduced in Committee, he should cordially support the second reading.

Mr. LAW observed that the hon. Member for Dumfries had told them he had well considered the question before he had brought forward the Bill, and therefore it must be supposed that this clause had been inserted for good reasons. They must therefore take the Bill as it stood at present. The principle of the Bill was taxation by the municipal council, without the consent of the ratepayers. Upon that principle he should oppose the Bill, unless a specific pledge was given for the insertion of a clause to make the consent of two-thirds of the ratepayers necessary.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 118; Noes 101: Majority 17.

#### *List of the AYES.*

Adderly, C. B.  
Aglicoby, H. A.

Anderson, A.  
Armstrong, Wm. L.



Armstrong, R. B.  
 Bagshaw, J.  
 Baines, rt. hon. M. T.  
 Barnard, E. G.  
 Bass, M. T.  
 Bellew, R. M.  
 Birch, Sir T. B.  
 Blackall, S. W.  
 Blake, M. J.  
 Bouverie, hon. E. P.  
 Bramston, T. W.  
 Bright, J.  
 Brocklehurst, J.  
 Brotherton, J.  
 Brown, W.  
 Campbell, hon. W. F.  
 Cavendish, hon. C. C.  
 Chaplin, W. J.  
 Childers, J. W.  
 Clay, J.  
 Clay, Sir W.  
 Cobbold, J. C.  
 Cobden, R.  
 Cowan, C.  
 Duncan, G.  
 Duncuft, J.  
 Dundas, rt. hon. Sir D.  
 Ebrington, Visct.  
 Ellis, J.  
 Elliot, hon. J. E.  
 Fagan, W.  
 Foley, J. H. H.  
 Fordyce, A. D.  
 Forster, M.  
 Fortescue, C.  
 Fortescue, hon. J. W.  
 Gibson, rt. hon. T. M.  
 Glyn, G. C.  
 Greenall, G.  
 Greene, T.  
 Grenfell, C. P.  
 Grey, rt. hon. Sir G.  
 Grosvenor, Lord R.  
 Hall, Sir B.  
 Hardcastle, J. A.  
 Harris, R.  
 Hastie, A.  
 Headlam, T. E.  
 Henry, A.  
 Heywood, J.  
 Hume, J.  
 Jackson, W.  
 Jervis, Sir J.  
 Johnstone, Sir J.  
 Kershaw, J.  
 Labouchere, rt. hon. H.  
 Langton, J. H.  
 Lindsey, hon. Col.  
 Lushington, C.

McCallagh, W. T.  
 Mahon, The O'Gorman  
 Martin, C. W.  
 Matheson, A.  
 Matheson, Col.  
 Melgund, Visct.  
 Mitchell, T. A.  
 Morris, D.  
 Mulgrave, Earl of  
 Mure, Col.  
 Norreys, Lord  
 Patten, J. W.  
 Pechell, Sir G. B.  
 Pelham, hon. D. A.  
 Pilkington, J.  
 Pinney, W.  
 Power, N.  
 Pusey, P.  
 Rawdon, Col.  
 Reid, Col.  
 Ricardo, J. L.  
 Rice, E. R.  
 Romilly, Col.  
 Salwey, Col.  
 Sandars, G.  
 Scholefield, W.  
 Scully, F.  
 Seymour, H. K.  
 Simeon, J.  
 Slaney, R. A.  
 Smith, J. B.  
 Spearman, H. J.  
 Stansfield, W. R. C.  
 Staunton, Sir G. T.  
 Strickland, Sir G.  
 Stuart, Lord D.  
 Stuart, Lord J.  
 Sullivan, M.  
 Tenison, E. K.  
 Tennent, R. J.  
 Thicknesse, R. A.  
 Thompson, Col.  
 Thornely, T.  
 Verney, Sir H.  
 Wall, C. B.  
 Walmsley, Sir J.  
 Wawn, J. T.  
 Westhead, J. P. B.  
 Willcox, B. M.  
 Williams, J.  
 Wilson, M.  
 Wood, W. P.  
 Wrightson, W. B.  
 Wyld, J.  
 Wyvill, M.

## TELLERS.

Ewart, W.  
 Hamilton, G. A.

*List of the NOES.*

Anstey, T. C.  
 Arkwright, G.  
 Arundel and Surrey  
 Earl of  
 Baring, H. B.  
 Barrington, Visct.  
 Bennet, P.  
 Beresford, W.  
 Blair, S.  
 Bowles, Adm.  
 Boyle, hon. Col.

Bremridge, R.  
 Broadley, H.  
 Brockman, E. D.  
 Carew, W. H. P.  
 Cayley, E. S.  
 Chatterton, Col.  
 Clive, H. B.  
 Cocks, T. S.  
 Codrington, Sir W.  
 Coles, H. B.  
 Deedes, W.

Denison, E.  
 Dodd, G.  
 Duckworth, Sir J. T. B.  
 Duff, G. S.  
 Duncombe, hon. A.  
 Duncombe, hon. O.  
 Du Pre, C. G.  
 Edwards, H.  
 Egerton, W. T.  
 Emlyn, Visct.  
 Farnham, E. B.  
 Farrer, J.  
 Fellowes, E.  
 Forbes, W.  
 Frewen, C. H.  
 Fuller, A. E.  
 Gaskell, J. M.  
 Goulburn, rt. hon. H.  
 Graham, rt. hon. Sir J.  
 Granby, Marq. of  
 Grogan, E.  
 Gwyn, H.  
 Halford, Sir H.  
 Halsey, T. P.  
 Heald, J.  
 Heathcoat, J.  
 Heneage, G. H. W.  
 Henley, J. W.  
 Herbert, rt. hon. S.  
 Hildyard, R. C.  
 Hildyard, T. B. T.  
 Hodgson, W. N.  
 Hood, Sir A.  
 Hope, A.  
 Hornby, J.  
 Hotham, Lord  
 Howard, P. H.  
 Hudson, G.  
 Inglis, Sir R. H.  
 Jermyn, Earl  
 Lacy, H. C.  
 Law, hon. C. E.

Lagh, G. G.  
 Lewisham, Visct.  
 Lygon, hon. Gen.  
 Mackenzie, W. F.  
 Mahon, Visct.  
 Manners, Lord G.  
 Manners, Lord J.  
 Masterman, J.  
 Miles, W.  
 Morgan, O.  
 Mullings, J. R.  
 Mundy, W.  
 Muntz, G. F.  
 Newdegate, C. N.  
 Oswald, A.  
 Packe, C. W.  
 Pakington, Sir J.  
 Palmer, R.  
 Palmer, R.  
 Peel, F.  
 Plowden, W. H. C.  
 Portal, M.  
 Prime, R.  
 Rendlesham, Lord  
 Rumbold, C. E.  
 Rushout, Capt.  
 Russell, F. C. H.  
 Shelburne, Earl of  
 Smollet, A.  
 Sotheron, T. H. S.  
 Spooner, R.  
 Stafford, A.  
 Stanford, J. F.  
 Waddington, H. S.  
 Walpole, S. H.  
 Walter, J.  
 Wegg-Prosser, F. R.  
 Wortley, rt. hon. J. S.

## TELLERS.

Sibthorp, Col.  
 Buck, L. W.

Main Question put, and agreed to.

Bill read 2<sup>o</sup>, and committed for Wednesday, 10th of April.

House adjourned at a quarter before Six o'clock.

## HOUSE OF LORDS,

Thursday, March 14, 1850.

MINUTES.] PUBLIC BILLS.—2<sup>a</sup> Convict Prisons.

## CONVICT PRISONS BILL.

EARL GREY rose to move the Second Reading of the Convict Prisons Bill, and said: The Bill, my Lords, which I now move to read a second time, is a Bill for the better management and government of Convict Prisons. The prisons to which it refers are the prison of Parkhurst, a prison set apart for the reformation of juvenile offenders under the direction and control of visitors appointed by Her Majesty in Council—the prison of Pentonville, under the government and superintendence of

Commissioners appointed by the same authority—the prison of Millbank, under the control of visitors appointed by the Secretary of State for the Home Department—and the hulks and the establishment at the Isle of Portland, under the government of persons appointed by the Secretary of State, to exercise the powers formerly exercised under the Transportation Act by the Superintendent of Convicts. These prisons now contain 5,400 convicts, sentenced to various periods of transportation, and are, as your Lordships will perceive, under the control and management of four separate and distinct authorities. As every one of these establishments is maintained for the safe custody and punishment of persons sentenced to transportation, and as it is considered to be of the first importance that there should be concert among the governing powers, and an uniformity of system for the management of the convicts, it has been found that a division of authority is inconvenient, and prejudicial to the public service. My right hon. Friend the Secretary of State for the Home Department has therefore made arrangements for practically uniting this divided authority in the same hands, in order to secure the necessary co-operation between these different establishments, and unity of system. This is effected by giving to the same individuals appointments under the different Acts of Parliament relating to the prisons of Parkhurst, Pentonville, Millbank, and Portland, and the hulks; but this mode of accomplishing unity of management is incorrect and irregular, and it is only a temporary expedient adopted until a more satisfactory and permanent system can be established by passing the present Bill, the object of which is to place these different prisons under a board of visitors to be appointed for that purpose. In stating the grounds upon which I recommend this alteration of the law to your Lordships, I may be permitted to premise that the experiment of the prison at Pentonville—for that prison was at first nothing but an experiment—was placed under the superintendence and control of certain persons of great weight and influence. The Commissioners of Pentonville consisted of distinguished Members of both Houses of Parliament, and of professional gentlemen of the highest character and reputation. Two of the Commissioners were Members of your Lordships' House. I do not see them now in their places; but they were the

Duke of Richmond and Lord Chichester—who both of them took great pains and afforded most valuable assistance in the management of that prison. The prison of Pentonville, as most of your Lordships are well aware, has now been open for more than seven years, and is therefore now no longer an experiment. Those Commissioners who first undertook the voluntary office of superintending it have gradually withdrawn their attendance from it; and it is the object of this Bill to substitute for them public officers more directly responsible to the Secretary of State. But it must not be supposed that Her Majesty's Government have been influenced by any idea that the services of the Commissioners had been ineffective. On the contrary, I am happy to be able to declare that their services have been of the highest value, and that the public is deeply indebted to them for the zeal and assiduity which they displayed. Their authority, however, will now be at an end; and the prison of Pentonville will fall under the general regulations for the government of the prisons for the detention of convicts sentenced to transportation. As the object of this Bill, my Lords, is to provide for the management of these prisons to one or other of which all offenders sentenced to transportation will be sent, and thus to ensure a better and more uniform execution of the sentence of transportation, I think it is right that I should state briefly what the mode of carrying that punishment into execution has been and now really is.

I think that all your Lordships will admit that no subject is of greater importance than that of secondary punishments. On the efficiency of those punishments depends the authority of the law and the good order and tranquillity of society. To have a good system of secondary punishments is, therefore, an object of primary importance. The difficulty, however, of obtaining such a system is at least equal to its importance. It has been felt, and it is still felt, in every country of the world, and under every form of government, that the question how to dispose of offenders is a constant subject of perplexity and difficulty. The utmost that we can expect is this—that by watching the operation of the secondary punishments which have been adopted as the best which experience has suggested, and introducing from time to time improvements where we see defects, we may arrive at last at a satisfactory result after a long

series of experiments, all tending to progressive amelioration. To suppose that we can arrive at perfection at once by any sudden effort of legislation, is, in my opinion, as wild and visionary an idea as ever entered into the imagination of man. This process of gradual improvement in the system of punishment has been going on in this country for many years, and more especially since an inquiry was instituted into it by a Committee of the House of Commons in the year 1838. That Committee sat during two Sessions of Parliament, and the result of its investigations was of the very highest importance. It opened the eyes of Parliament and the public to the existence of an enormous mass of evils of a frightful character, the existence of which before was not even suspected, and it led to the general conviction of the absolute necessity of an early and complete reformation of the system. Very soon after the reports of that Committee were published, as a first step in the right direction the prison of Pentonville was erected as an experimental prison. Shortly afterwards directions were given by the Government at home for the discontinuance in the colonies of the assignment system, which had previously prevailed there. In the year 1840 this step was followed up by an Order in Council, issued by the advice of my noble Friend Lord J. Russell, then Secretary of State for the Colonies, whereby the colony of New South Wales ceased to be a place for the transportation of convicts. It was not, however, till the year 1841 that the assignment of convicts was practically discontinued; and in the following year the noble Lord opposite, who was then Secretary of State for the Colonies (Lord Stanley), issued full instructions as to the regulations under which convicts were to be placed when sent, in pursuance of the sentence of transportation, to Van Diemen's Land. Those instructions were the same in principle with those which have since been substituted for them. The mode of applying the principle differed indeed from that which has since been adopted, but the principle of the instructions of the noble Lord is substantially the same with that of the existing regulations. The principle was that persons sentenced to transportation should ultimately become free in the colony to which they were transported, after having undergone penal labour under the control of the Government for a certain period of time proportioned partly to the severity of their sentence, and partly to their good

conduct while under punishment. The system imposed a certain minimum amount of punishment upon all; but at the same time left open to all a prospect of ameliorating their condition by good conduct and regular obedience. I think, my Lords, that to the principle of those instructions no objection can be fairly taken; but certainly in practice the measure founded upon them was a failure. And I think that it was a failure owing to these reasons: first, that there were no adequate means in Van Diemen's Land for carrying it properly into effect; there were neither suitable and sufficient buildings nor properly qualified officers to superintend the operation of the system then adopted; and, secondly, and principally, because too large a number of convicts had been sent out to that colony. When my noble Friend Lord J. Russell advised that New South Wales should cease to be used as a place for the punishment of convicts, it was his intention to revert to the former practice of the country, that is, only to remove to a penal colony a small proportion of the convicts sentenced to transportation, and to keep the remainder in the hulks or other prisons at home. But in the year 1841 resolutions were carried in the House of Commons against the Government of the day, and condemnatory of the retention in this country of convicts sentenced to transportation. In consequence, a vast number of convicts were poured into Van Diemen's Land and Norfolk Island; and those settlements were compelled to endure, as they best might, the undue number so suddenly cast upon them. As a proof this I will only mention to you, my Lords, that the whole number of male convicts who arrived in Van Diemen's Land in the five years ending with the close of the year 1840, did not exceed 7,942; whereas, in the five years from that time to the close of 1845, the number of male convicts transported there was not less than 17,637. The arrival of this large number of convicts not only broke down all the arrangements which had been made for the safe custody and superintendence of the convicts in the island, but it also so glutted the labour market that the easy means by which convicts on becoming entitled to tickets of leave or conditional pardons had formerly been able to obtain subsistence for themselves by honest labour, ceased to be available, and thus that which had really constituted the chief recommendation of transportation was entirely lost.

The convicts who had acquired the privilege of discharge from the probation gangs were obliged to return to hiring depôts which it was necessary to establish, because they were unable to procure labour from private individuals. This led to a state of things which was absolutely frightful. The reward to which convicts in the gangs had been accustomed to look for good conduct ceased to be one, since there was little difference between their situation in the hiring depôts and in the gangs, and thus mere coercion became the only means of maintaining discipline. This, together with the other causes I have referred to, led to a demoralisation which was shocking to contemplate; and the whole colony was thrown into confusion and disorder owing to the large number of convicts who were unable to find employment. This was the state of affairs when we, my Lords, came into office. We could not doubt the absolute necessity of the determination to which our predecessors had very properly come, to suspend transportation to Van Diemen's Land for two years. As to that point we had no doubt; and we also came to the conclusion that any future transportation to Van Diemen's Land should not be carried on upon the old system. We thought that penal labour, previous to transportation to a distant land, should always be inflicted at home, or at Gibraltar or Bermuda, where we could command more vigilant and careful superintendence than we could by any possibility command either in Van Diemen's Land or in Norfolk Island; where abuses could not grow up without being much more promptly discovered; and, besides, we thought that that penal labour should in all cases be preceded by separate confinement for a certain period. We also thought that after enduring this punishment at home the convicts should not be sent out as convicts, but as exiles. This proposed alteration was stated by myself and by my right hon. Friend the Secretary of State for the Home Department to this and to the other House of Parliament in the year 1847. Objections were taken to it in both Houses, and a Committee was appointed by your Lordships to investigate the matter, and to hear evidence upon it. That Committee collected much valuable evidence; and, at the same time, information was received from the colonies which led to the conclusion that this plan of sending out convicts as exiles was not likely to succeed, and that it would be advisable that they should

rather be sent in a manner which admitted of their being placed under some control. Accordingly a modification of the original plan was determined on, and it was decided that convicts, after suffering a certain degree of punishment at home, should be sent to the colonies, not as exiles with conditional pardons, but with tickets of leave. The difference of these two states is one of great importance, to which I shall have occasion by and by to advert. The nature of the system under which it was now proposed to carry into execution the sentence of transportation was fully described by myself in a despatch dated the 17th of April, 1848, which was laid before Parliament in the course of the month of May following. The system so described is substantially that which is still in operation, though some improvements in its details have been already introduced, and others are still in contemplation. I am anxious, therefore, to call your attention, my Lords, to the views on which that system is founded, and to the results by which it has been, and by which I think it likely that it will be, attended. Ever since transportation was known to the law of England as a punishment, it has been found that mere removal from this country would not answer the object in view. For, when we know that thousands of honest and industrious labourers are not merely anxious, but absolutely eager, to go out to our colonies in the hope of bettering their condition, it is clear that removal from this country cannot by itself be a sufficient punishment to deter from crime, and, therefore, that coercion and penal labour must be added to it. Looking at the results of experience, I think it is also clear that penal labour cannot be inflicted in the colonies without greater risk than is incurred at home, of abuses arising which may remain long undiscovered. This was shown by the long continuance of abuses without detection under the assignment system, and equally so under the plan of the noble Lord opposite (Lord Stanley), which worked so differently from what he expected, but of which it is clear the evils would never have risen to the frightful pitch which they actually attained, had not the great distance of the scene where they occurred deprived the noble Lord of the means of obtaining early and accurate knowledge of the first symptoms of the failure of his measures, which would have enabled him in time to adapt them to the exigency of the case. Hence,



my Lords, we concluded that the penal labour of the convict should be inflicted principally at home, where it could be more effectually superintended, where its effects would be sooner and better known, and where there were advantages for inflicting it much greater than in any colony. We thought also that part of the convict's punishment should be separate imprisonment. I need not describe to your Lordships what separate imprisonment is. There are, my Lords, a series of the most valuable reports from the Commissioners of Pentonville prison, describing the nature and results of separate confinement. There are those who, looking only to the physical condition of the prisoner, think that separate imprisonment is not a sufficient punishment. Looking at this confinement in a separate cell, which is well warmed and regularly ventilated, where he is well clothed and well fed, and called upon to perform but little labour, they think that it is a very light punishment for a criminal who has been convicted of heinous crime. It has not, however, been found so in practice; on the contrary, it has been fairly tried—its chief defect has been discovered to be this—that it cannot be continued for a sufficient length of time without danger to the individual, and that human nature cannot bear it beyond a limited period. The evidence of medical authorities proves, beyond dispute, that if it is protracted beyond twelve months the health of the convict, mental and physical, would require the most close and vigilant superintendence. Eighteen months is stated to be the maximum time for the continuance of its infliction, and, as a general rule, it is advised that it should not be continued for more than twelve months. It inspires great horror and dread among those who have undergone it. There are also satisfactory grounds for believing that, as a reformatory system of discipline, it is most efficacious, and amongst those grounds I may refer to the small number of recommissions of persons who have suffered this punishment in comparison with that of those who have suffered any other species of secondary punishment. On this point I will refer you to the returns published annually on this point; but if you want other evidence, I will refer you to a pamphlet which has been recently published anonymously, but which I believe to be written by the very excellent chaplain of one of the prisons in which this system of discipline is adopted. His description of its

effects, which I believe to be most just, is as follows:—

“ But whatever may be thought of the influence of separate confinement as a means of reformation, there should be no doubt about its utility as a punishment, if not carried to an extreme. It is a most severe one, certainly. . . . Criminals, of all men, can least bear to be alone. A thoroughly bad man, by himself, is the greatest coward, and without his accustomed stimulants the most wretched of beings. We have no hesitation, therefore, in stating that such a man would prefer even the scanty food, the vermin, and the sloth of such a place as Newgate, where he might gamble for his supper, learn new tricks, or instruct the novice, sing, play, and quarrel by turns in the night-room, than the very best treatment and the most abundant diet of a prison on the new plan. The reformatory character of such a gaol is, to such persons, an object of real terror.”

This point, my Lords, does not rest on the evidence of those who have watched the progress of this new punishment, and who may, therefore, be supposed to entertain a prejudice in favour of the work which they have superintended. Sir W. Denison, the authorities in New South Wales, the excellent chaplain to the convicts employed on the public works at Gibraltar, the Governor of Portland Island, every person who has to take charge of convicts after they have undergone separate imprisonment, all report that it is a most excellent punishment for inspiring dread, and for producing a desire of reformation on the part of the prisoner. The concurrence of the authorities on this point is most satisfactory and conclusive. For this reason, my Lords, it is proposed that all convicts sentenced to transportation shall undergo a greater or less period of separate imprisonment. While the prison at Pentonville was only an experiment, and there were not the means elsewhere of inflicting the punishment, this could not be done, and only a limited number of convicts selected from the whole body could be so treated. But while this was the case, whatever advantage might be derived from the discipline of Pentonville in the reformation of the particular convicts sent there, it is obvious that it could have little effect in deterring from crimes. In order that it should produce its full effect in this respect, it is necessary that all convicts sentenced to transportation should undergo a certain period of separate imprisonment. Means now exist for this. In addition to the establishment at Pentonville, part of the Penitentiary at Millbank has been fitted up with separate cells, and arrangements have been made with the

magistrates of several of the county prisons, whereby a number of their cells will be at the disposal of Her Majesty's Government. There are now 2,000 cells placed in this manner at the disposal of the Government, and this arrangement will enable us to apply the system of separate imprisonment to the average number of convicts sentenced each year to transportation. After undergoing this separate imprisonment, it is proposed that the convicts shall be employed for a certain period on penal labour on the public works, either in this country, or at Gibraltar, or at Bermuda. I know, my Lords, that there are objections, and strong and plausible objections, against the employment of convicts on public works. When we reflect on what the hulks were, and to a certain degree still are, in this country—when we look at the galleys in France—and when we turn our eyes to the road-gangs in some of our colonies, I am not surprised that objection is taken against the association of convicts in gangs on the public works. But it does not appear to me to be proved that such abuses as have existed in the cases I have mentioned, are of necessity inseparable from the infliction of forced labour on offenders; and, at all events, the means of inflicting adequate punishment for serious offences without such labour, have not hitherto been discovered. It is absolutely necessary, my Lords, that you should keep these convicts under coercion for some time after they emerge from separate confinement; that imprisonment, I have stated, cannot be prolonged beyond twelve or at most eighteen months, and this would obviously not be sufficient in itself for aggravated crimes, especially where a convict has perhaps narrowly escaped the punishment of death. Such a person it would be wrong to set at liberty, either at home or in the colonies, after only eighteen months separate imprisonment; it is, therefore, indispensable that farther punishment should be inflicted, which, in the present state of our knowledge, can only be effected by a system of forced labour. I am happy to believe that, by judicious regulations, coercion and imprisonment of this kind may be successfully carried on. The first judicious attempts to improve the system of managing convicts employed on public works, was made some years ago at Bermuda. Under the direction of the engineer officers in charge of the works in that island, there has been gradually established a system of taskwork, which has been most

effectual in stimulating industry on the part of the convicts. My Lords, when you have made convicts industrious, you have not done all that you want and ought to do, but you have accomplished a good deal. When you have succeeded in making them work hard, you have made a great step towards improvement. Idleness, it has often been said, is the mother of all mischief, and this is more especially true as to convicts; they have very generally been seduced into crime by their love of idleness and their hatred of continuous labour; and I believe that when they find the consequence of crime is to subject them to continuous labour of a much harder character than that to which an honest man is subject, the result cannot but be the most beneficial. Besides, when a convict has been engaged in and fatigued by hard labour during the whole day, he will not be inclined, when his hour of rest arrives, to pass his time in immoral conversation, or to indulge in other demoralising habits. Hence when you shall have succeeded in making the labour of the convict really hard work, you will have made a decided step to his improvement. The system of taskwork, by which the industry of convicts is powerfully stimulated, I have already informed your Lordships, was first enforced at Bermuda; it has since been extended to other penal establishments. But, my Lords, much more must be done in addition to this, and much more, I am happy to say, is in progress for the moral reformation of the convicts. Greater exertions must be made for their instruction, moral and religious. The noble Lord on the opposite benches (Lord Stanley) added largely to the means of such instruction by the arrangements which he made for sending additional religious instructors to take charge of the transported convicts in Van Dieman's Land. From the failure of the noble Lord's measure in other respects, this increase in the means of religious instruction was less useful than was expected; but yet I feel certain that if these unfortunate men are placed under proper instruction, both moral and religious, and if such regulations are enforced among them as will stimulate industry, much greater reformation than any we have yet witnessed may be accomplished among them. The great difficulty with which we have hitherto had to combat has arisen from the want of adequate buildings for the proper custody of convicts. The hulks are utterly unsuitable for this purpose, and must

always be most objectionable as prisons; first, because they are very costly, far more so than any prisons on shore, and next, because from their confined space, and the difficulty of preventing communication, they are unfitted for any system of proper prison discipline. I therefore hope that in a few years more they may be discarded. Many of the convicts employed on the public works at Gibraltar have accommodation found for them on shore; and at Portland a new prison has been erected for their reception. A few days ago, my Lords, I laid upon your table a report on the state of that prison. I recommend that report to your attention. From the unavoidable delay of the printer in completing the plans, it has not yet been delivered to you, but as soon as it is in your hands, I recommend its perusal. The prison at Portland is one of the prisons to the management of which this Bill applies. The first time convicts were sent there was in November, 1848. They were employed at first in completing those portions of the prison which had not been entirely finished. In the July of last year, however, the preliminary operations were so far completed, that the convicts could be sent to the quarries, where they will now be regularly employed. You are no doubt aware, my Lords, that the construction of a harbour of refuge at the Isle of Portland has long been considered an object of national importance. The commissioners who were appointed some years ago to inquire into the expediency of constructing harbours of refuge along our coasts, reported that Portland was one of the situations in which a harbour of refuge was most wanted, both for the purposes of war in times of war, and for commercial purposes in times of peace. The Isle of Portland offers also the advantage of affording great facilities for keeping the prisoners, when on the works, entirely isolated from the population of the place. I believe that the breakwater, of which the construction is required for the harbour of refuge, would have been deferred for many years, had it not been for the facility of employing upon it convict labour. The labour on that breakwater was just the labour suited for men in the unhappy condition of these convicts. The first set of labourers was sent to the quarries last year; and now, out of 800 convicts confined in Portland, 500 have been sent to the quarries to raise stone for the construction of this harbour of refuge,

the remainder being employed on various works for the completion and maintenance of the prison and buildings belonging to it. The result of the system established in the prison at Portland has thus far been most satisfactory; the amount of labour actually performed has been quite as great as could be expected; discipline has been perfectly maintained, and the conduct of the prisoners has been so good, that in only one instance has corporal punishment been inflicted on any of their number, with the exception of some men brought from the hulks, and immediately removed from the island on account of their riotous and insubordinate behaviour. I hope, my Lords, that before long it will be demonstrated that convicts may be employed on public works in such a manner as to render their labour not merely a portion of their punishment, but beneficial both to society and themselves. We cannot, however, altogether discontinue the infliction of penal labour in the colonies; for although the great proportion of the convicts are capable of being reclaimed, and rendered useful members of society, yet there is still a small percentage of convicts on whom neither separate imprisonment, nor any other secondary punishment, produces the slightest impression. It has been found that the best mode of dealing with such refractory convicts, is to send them to Norfolk Island. I have come to that conclusion with great reluctance, and after grave consideration. I know all the danger of sending the worst of our criminal convicts to a remote island far out of our sight and superintendence; but over some men the removal to such a distance, and the confinement in such a place, out of sight, and almost out of mind, exercises a great and salutary influence, and, moreover, the dread of being so sent, produces a good effect on those who are employed on the public works. It is, therefore, intended that the small proportion of convicts who may be expected to prove otherwise unmanageable shall be sent to Norfolk island; but, judging from experience, it is hoped that the number will not exceed between one and two per cent of the whole body. But there is another circumstance which will also create a necessity for making provision for subjecting some convicts to penal labour in the colonies. I have mentioned that in future convicts are in general to be sent to the colonies not with conditional pardons, but with tickets of leave, the essential difference between the two is, that convicts with

tickets of leave can at once, in case of misconduct, be brought back under punishment; hence, in all colonies to which convicts are sent with tickets of leave, there must be penal establishments to which they may be remanded as a punishment. But, with the exceptions which I have just mentioned, the more experience we have, the more clear appears to me the expediency of inflicting that part of the punishment of transportation which consists of penal labour, under the eye of the Government, in order that improvements in the system should be made as soon as possible after their necessity became obvious. Still I think that removal to a foreign land should constitute a portion of their sentence; for, although removal is by itself inadequate as a punishment, yet it is powerful as an element in the system of transportation. Even voluntary emigrants consider removal from the land of their birth as a painful resource. No man leaves the country of his birth unless he finds it difficult to maintain himself comfortably at home, and has some hope of bettering himself in another land. It is to raise himself in life, it is in the hope of raising himself above the difficulties to which his destiny consigns him at home, that a man submits, though reluctantly, to expatriation. I therefore think that removal from this country should form a part of every sentence of transportation. I find it stated in the last report from the chaplain of Pentonville prison, that it is the combination of punishments in our present system of secondary punishments that renders the punishment of transportation effectual. He says—

“The sentence of transportation henceforth may well strike terror into the stoutest heart, divested as it is of well-known chances of escape, and involving a course of previous discipline, penal and reformatory, distasteful beyond measure to criminals. It will come home to every class of mind. There is a surprising diversity of feeling amongst prisoners as to the comparative degree of severity belonging to the several sorts of punishment. Therefore, that which is most uniform is also most unequal in its pressure. The adventurous young criminal, for instance, and all who have no friends or home, make very light of being sent out of the country. To many, indeed, of this class, transportation has been an object of desire, as giving them a chance of bettering their condition, or of ambition as the completion of their education in crime. But the thought to such an one of being shut up by himself for 12 or 18 months first, having only respectable and religious persons to speak to—the very sort of persons he has been fleeing from all his life—fills him with dismay. The educated and well-brought up, desiring concealment, and

having mental resources, can bear the thought of seclusion for a while, and of an exile to follow, in a country where he is not known; but his heart sinks within him when he hears that, after the ordeal of separate confinement, he is to be worked at penal labour in a convict dress, and in some measure exposed to public view. Others, again, and perhaps the greater part, accustomed to labour, and contemplating the advantages to be derived from education whilst in prison, could bear both these stages of discipline with little mental or bodily suffering, to whom removal from home and country is perfectly appalling.”

But this is not the only nor the most important object of the removal of criminals. My Lords, I must again endeavour to impress on your Lordships that it is of the utmost importance to society that ultimate removal from England should form part of the punishment of transportation; because, owing to the circumstances in which in our crowded population criminals would be placed if enlarged here after punishment, they could not remain without being a source of inconvenience and danger. This reason for the ultimate removal of convicts is well explained in the first instructions addressed to the Commissioners of Pentonville by Sir J. Graham, when Secretary of State for the Home Department. He says—

“Considering the excessive supply of labour in this country, its consequent depreciation, and the fastidious rejection of all those whose character is tainted, I wish to admit no prisoner into Pentonville who is not sentenced to transportation, and who is not doomed to be transported. The convict on whom the discipline might have produced the most salutary effect, when liberated and thrown back on society here, would still be branded as a criminal, and would have an indifferent chance of a livelihood from the profitable exercise of honest industry. His degradation and his wants would soon obliterate the good impressions he might have received, and, by the force of circumstances which he could not control, he would be drawn again into his former habits—he would rejoin his old companions and renew the career of crime. Not so the convict transported from Pentonville. The chain of former habits would be broken, his early associations would be altered; a new scene would open to his view where skilled labour is in great demand, where the earnings of industry rapidly accumulate, where independence may be gained, and where the stain of tarnished character is not quite indelible.”

Nothing, my Lords, can be more true than the description of the convict's fate given in this extract. I believe it has been known, in more than one instance, that a convict, after having served out the term of his sentence, has gone to a distant place from that in which he committed his offence against the law, and has there endeavoured to obtain by his industry an honest and independent livelihood.



But it has happened that such individuals, so disposed to return to habits of industry and honesty, have been found out by their former associates in crime, and have been immediately threatened with a disclosure of their former misconduct and transgressions unless the silence of their old confederates in crime was purchased by money; cases have been known in which these men, so desirous of avoiding a return to a life of crime, have, after submitting to repeated exactions to purchase silence, been driven perforce into rejoining their former associates. It is of the utmost importance, therefore, to the interests of society that criminals after having undergone punishment should be removed to the colonies, where they would have the chance of becoming useful members of the community; instead of remaining in this country where by the force of circumstances they would almost be driven into the commission of new crimes. It will be apparent to your Lordships that this is a matter of the most urgent necessity, when you consider the large number of men who have once been convicts now at large in Australia. From the best calculation that can be made from the various documents in the Colonial Office, it appears that there are now at large in Australia no less than 48,000 persons who have had sentence of transportation passed upon them, and this, too, in addition to those who are still under punishment, and reckoning only those who have become free, or have obtained conditional pardons. If you add those still in the condition of convicts, but not actually under punishment, it may be reckoned that there at this moment in the Australian colonies not less than 68,000 persons upon whom the sentence of transportation has been passed, and who are now living in a state of perfect or qualified freedom, and in general earning their bread by honest industry, but who would have had no resource but to fall back into the commission of crime, if removal had not been made a portion of the punishment of transportation, and they had consequently been discharged at home. This would have been not merely a great evil, but I think it a very great danger, when I remember what we have heard of the army of *forçats* now in existence in France, and of the part which they have taken in all the late commotions in that country. I therefore hope that removal from this country will continue to constitute a portion of the punishment of trans-

portation. I believe that under a proper system it may do so, and that convicts may be sent to our colonies, not merely without disadvantage to the colonies, but with positive advantage to them. This, however, will mainly depend upon the manner in which they are sent, and I have now to call your Lordships' attention to the importance of the change by which convicts are now to be sent out with tickets of leave instead of with conditional pardons. When they were sent out with conditional pardons, they were under no control whatever. If they fell in with their old associates on arriving in the colonies, and were in possession of a little money, they were immediately laid hold of, dragged into the public-houses, and there seduced into crime by every temptation. The convicts holding tickets of leave can be required, on their arrival in the colony, to go into the more distant parts of it. In those districts they will be obliged to go into the employment of private individuals. It is proposed that this shall be the regular system hereafter. The ticket-of-leave men will be required to go into the remote districts; they will be required to remain there; they will be required to take service with some respectable settler in the colony before they are allowed to pass out of the Government control. It is likewise proposed that they shall pay out of their wages a certain sum to the Government before they gain a conditional pardon. One purpose of requiring that payment is to provide a fund out of convict transportation for free emigration; but its more important object is, that of subjecting the convicts to an obligation calculated to exercise a beneficial influence over them. I have to point out to your Lordships in explanation of this regulation, that ever since transportation has been a punishment, the Crown has had a property in the services of the transported convict. Under the assignment system, the convict was, on his arrival in the colony, assigned over by the Crown to some colonist, who had a right to all the work which he could get out of him in return for a daily ration of food and a certain allowance of clothing. The assigned convict was thus the slave, and nothing better than the slave, of his master. In more ancient times this slavery was still more complete, for in the earlier days of transportation to Virginia, the convicts were sold by public auction to the highest bidders. Of such sales, and of

the state of society which then existed in Virginia, your Lordships may remember a curious description in one of Defoe's amusing novels. In recent times in Australia the convict who was assigned to a master was hardly less a slave than if he had been thus avowedly sold as such, since he was obliged to work for the benefit of a private individual, in return for little more than that which was necessary to supply his bare necessities. This system of assignment gave rise to such grave abuses, that, when they were brought to light by the Committee of 1838, they led to a very general concurrence of opinion as to the necessity of altogether putting an end to the practice. In some cases masters made complaints against good servants who had been assigned to them, for no other reason than to monopolise to themselves the services of the convicts beyond the period when as good servants they would have been entitled to a conditional pardon. In other cases masters treated their servants with great and undue severity, and thus drove them to become bushrangers. There were also masters who gave to the convicts assigned to them very improper indulgences sometimes from corrupt motives. Cases also were not wanting in which convicts had contrived to get themselves assigned to those who had served out their sentences, and who had been previously their associates in crime in this country, and virtually escaped all punishment. Abuses of this kind undoubtedly existed to a great extent, and most justly led to the condemnation of the system; but yet it is equally true that when the convict was assigned to a good, and respectable, and intelligent master, he was placed in a situation which experience clearly proved to be highly favourable to his reformation, and in which his services were most useful to the colony. Your Lordships are probably aware that there are in New South Wales many persons in good circumstances, and some even in great wealth, who have risen out of the class of assigned convicts. I do not know whether any of your Lordships have seen a letter addressed to me on this subject by Mr. Hall, who was formerly the editor of an Australian newspaper, and has had great experience of the effects of the former convict system. His description of its working is highly interesting, and he has shown very clearly that in very many cases the practice of assignment proved highly beneficial to all parties. The object of the

arrangement now adopted is to assimilate the situation of holders of tickets of leave with that of assigned servants under the old system, and yet to guard against the abuses of that system. It is with this view principally that it is proposed to require the convict to repay from his wages the cost of his conveyance to the colony. Experience has shown that it is too sudden a change for men who have been under punishment, deprived of all command of money, and compelled to labour for certain regulated supplies of food and clothing, to become at once their own masters, with the free disposal of the high wages which labour generally commands in these colonies. But, if required to proceed to the remoter districts, and to pay a certain sum from his wages, the convict will be taken away from the temptation of the towns—his command of money will be greatly diminished, and, at the same time, he will have a strong motive to industry to discharge his debt, and thus acquire his freedom. It is this, not the realising a sum of money, which is the principal object of the regulation. At the same time, my Lords, I do not hesitate to say that the mere payment of this money by the convicts, and thus increasing the fund for free emigration or public works, is calculated to be of great advantage to the colonies, whose interests we are bound to consult. The principle of this regulation was adopted, as regards passholders, in the regulation established some years ago by the noble Lord opposite (Lord Stanley). I think that the principle of that regulation was sound, although there were some difficulties in carrying it practically into execution—difficulties which I trust will be removed by the modifications which are now proposed. Your Lordships will have already perceived that I think it of great importance that the convicts should be dispersed in the remote parts of the colonies; I certainly do think so, and would therefore disperse them, not only in the remote parts of the colonies, but also in different colonies; and it was with that view that we recently proposed to send convicts to the Cape of Good Hope, and other colonies. Our object, however, was defeated by the reluctance of those colonies to receive convicts. We thought ourselves not at liberty to overrule that reluctance in colonies which were not founded as convict colonies. We felt that colonies founded as free colonies should not be compelled to receive convicts against their will;

and we were of opinion that, after the implied pledge which had been given to the colony of New South Wales, by the Order in Council of 1840, by which it was declared to be no longer a place to which convicts would be transported, that that colony could not be treated as a penal one, but must be considered as a free colony, because a large proportion of inhabitants have settled there since the date of the Order I have adverted to, and on the faith that transportation to it was to cease. But in Van Diemen's Land, in which we have expended large sums to fit it for the reception and custody of convicts, and to which the free inhabitants have gone with their eyes open, knowing it to be a convict colony, I do think that the inhabitants have no just claim upon the mother country to discontinue this use of it, thereby rendering it necessary to incur the very heavy expense of preparing some other colony for the reception of convicts sentenced to transportation. But, while I must on this ground maintain our full right to go on sending convicts to Van Diemen's Land, while the interests of this country requires it, as I think it now does; on the other hand, I think the colonists are entitled to demand that we shall exercise this right with the least possible injury to them, and that, at all events, we should not allow it to be any burthen or expense to them; and I am glad that in that view of the subject I am supported by the example both of the noble Lord opposite, and of my immediate predecessor in the office which I now hold. The noble Lord, acting on the principle that no pecuniary burthen should be allowed to fall on the colony from the continuance of transportation, made an arrangement with the Treasury, by which a sum of 24,000*l.* a year has been paid out of the money voted by Parliament for convict services, for defraying the increased charge of the police force of that colony, rendered necessary by the presence of a large number of convicts. Acting on the same principle, Mr. Gladstone made an arrangement by which an addition has been made to the salary of the Lieutenant Governor from the Parliamentary vote, and he was thus enabled to secure the services of Sir W. Denison, who previously held a confidential situation under the Admiralty at home. Of the great public advantage which has arisen from this arrangement, and from this appointment, I am glad to have this opportunity of expressing my sense. Sir W.

Denison's professional knowledge as an engineer officer of great ability, has been of much service in turning the labour of the convicts to good account; in his general measures for effecting the reform which was so greatly needed in the management of the convicts, he has shown sound judgment, an earnest wish to promote the welfare of the convicts in the performance of his duties, and also strong religious feelings, the influence of which cannot be over-estimated in the management of such a colony as that intrusted to his charge. The present Comptroller General of Convicts, Dr. Hampton, has acted in the same spirit, and ably seconded the Lieutenant Governor. Since our appointment to office we have acted upon the same policy as the late advisers of the Crown, in endeavouring to render the continuance of transportation, as far as possible, a source of advantage to the colony. Amongst other things, our wish has been to promote free emigration as much as possible, and at the same time to advance as much as possible the execution of public works. To that end two objects have appeared to us of special importance: first, to encourage the settlement of free emigrants; and, secondly, to employ convict-labour in the execution of public works calculated to develop the resources of the colony, and thus increase the means of employment. With that view the territorial revenue which had been ordered to be applied towards the reduction of the expenditure on account of convicts by this country, at the time of making the grant of 24,000*l.* a year for the police, to which I have already adverted, has been restored to the colony, and this fund is again applicable to its legitimate object of improvements calculated to add to the value of the land, from the sale of which it is derived. Orders have also been given to relieve the colony from any expense connected with the employment of convicts on public works, beyond the supply of superintendence and tools. Formerly it was the rule that the colony should pay 6*d.* a day towards the wages of the convicts employed on public works, and the orders were, that when this payment could not be made, convicts should not be allowed to work for the colony, but should be employed in raising food for themselves, and in other ways calculated to reduce the charge on the British Treasury. But as the colonial finances, when the territorial revenue was withdrawn, were not in a state to provide for such

payments, for some time little work for its benefit was performed by the convicts, while they were most inefficiently employed on account of the Home Government in raising supplies for themselves. Now, that rule has been altered, and works of considerable magnitude are now proceeding, because the colony is not called upon to do more than pay for the tools necessary for the men engaged on them, and to pay the persons who may be employed as superintendents. The result is, that roads, affording improved means of communication have been constructed or improved, and that others are in course of being so. The port of Hobart Town has been improved by the construction of a wharf, and a similar work has been undertaken at Launceston. All these objects, I am enabled to state, have been accomplished; but, as I am informed, three times the money expended would not have effected them, but for the employment of convict labourers, under the improved system of management which has so greatly stimulated their industry. These measures, by developing the natural resources, and advancing the prosperity, of the colony are, I hope, calculated to attract free settlers; but as, in sending convicts to any particular colony, it has always appeared to Her Majesty's Government a matter of the highest importance that free emigration should take place at the same time to such an extent as not to allow the convict element to predominate in the population of the colony, additional measures have been taken with that view. In the estimate which was last year submitted to Parliament for the convict service, Her Majesty's Government recommended that a sum of 30,000*l.* should be voted for the expense of promoting free emigration to those colonies to which convicts might be sent. This vote, I am happy to say, was passed without objection from any quarter; and it is our hope that, by means of it, to whatever extent we may find it necessary to send out convicts, we may be able at the same time to promote free emigration to a corresponding extent. One important application of this fund has been to send out the wives and children of such convicts as might be reported fit persons to receive such an indulgence. Formerly it was the practice to grant this indulgence to convicts as an encouragement to good conduct; but a few years ago this practice was altered, as I think very unfortunately. *We have thought it right to resume it, and*

for this, among other reasons, that the opposite system has the effect of greatly demoralising not only the convicts themselves, but also the families whom they leave behind them. We have thought also that we shall greatly improve the moral condition of the convicts, as well as advance the best interests of the colony, if we can promote the emigration of a rather superior class of persons to that colony. It is quite obvious that it would be in vain to incur the expense of sending emigrants of the labouring class to Van Diemen's Land, since the superior wages to be found in the neighbouring colonies would induce them to leave it immediately, and our object there ought to be to encourage the settlement of the class of emigrants who would give employment to the convicts—I mean by that, people with some capital. Our object, I say, has been to give every encouragement to persons of small capital to go to Van Diemen's Land, and regulations have been adopted with this object, and promulgated by the Emigration Committee, by which very considerable advantages have been offered to those who may settle there. I am bound to say, that up to this time very few persons have availed themselves of the boon thus offered; but when the real advantages which are held out to settlers come to be understood, I trust that the candidates for them will increase. Free passages are granted to those who are prepared to purchase a certain quantity of land, and by means of the territorial revenues improvements will be made in the districts where these purchases may be effected, of a nature calculated to enhance the value of the land so bought by these free emigrants. Measures are now being taken to make these advantages known to all persons likely to emigrate to Van Diemen's Land. These are some of the measures which have been adopted, in order to render the continuance of transportation no disadvantage to that colony. But what, in my opinion, will most contribute to that end, is the improvement of the previous discipline at home. The most gratifying testimony has been borne to the manner in which what has been done with this view has hitherto worked, as shown by the conduct, both while in this country and while on their voyage to the places of their destination, of those convicts who have been subjected to that system of moral discipline which has now been established. *Your Lordships will find in the papers lately laid*



upon your table an account of the convicts sent out in the *Hashemy*. This vessel was sent out last summer to New South Wales laden with convicts who had been subjected to the improved discipline. She arrived at a time when there were four other ships in the port laden with free emigrants, to the number of not less than 1,000 souls. On the voyage, and previous to the voyage, the convicts had been so disciplined that their conduct obtained for them the highest praise, and won the confidence of the colonists to such an extent, that almost all the convicts received immediate engagements as servants, even before the free emigrants at the same time in the harbour. The arrangements made with this view by the colonial authorities were most judicious and perfectly successful. The convicts were not permitted to land until they had entered into engagements; and respectable settlers from the remote pastoral districts were admitted on board, by whom most of the convicts were speedily engaged at wages varying from 12*l.* to 16*l.* per annum, in addition to very liberal rations. These engagements having been entered into, the men were sent at once to their destination, without being allowed to go into the town of Sydney. It was also part of the arrangement that their masters were to pay a part of the wages they agreed to give direct to the Government, in discharge of the debt which I have mentioned to your Lordships that convicts are now considered as having incurred. Within a very short time, a second ship laden with convicts arrived, and the convicts by it were also at once engaged as servants for persons residing in the pastoral districts of the colony at even higher wages than the first. Looking to these facts, I cannot but regard it as an unfortunate circumstance, that, owing to the address to the Crown which has been voted by the legislature of New South Wales, no more convicts can now be sent there. In the northern part of that colony, there are districts of pastoral land of the very best description and of almost unlimited extent, on which the sheepowners possess flocks of which the increase is only checked by the want of a sufficient number of servants to look after them. Now, this service of attending to sheep in these remote and solitary regions is precisely that which experience shows to be the best for convicts, with a view to their reformation, while it is an employment in which it is often difficult to find any other persons to

engage, though it adds so much to the wealth of the colony. I must, therefore, regard it as a very great mistake to suppose that the presence of convicts may not, under some circumstances, be a great advantage to a colony; and I repeat that I think it unfortunate that the people of New South Wales should no longer enjoy the benefits of an increasing supply of convict labour for the extension of sheep farming. In considering this question, we ought not to overlook the fact that those pastoral districts of New South Wales have greatly benefited our woollen manufactures; that the fine qualities of wool imported from that country have greatly aided the woollen manufacture of England. I therefore greatly regret the course that has been taken with respect to convicts in that colony. I am not without hope that it may yet be corrected, and that the colony may once again be opened for the reception of convicts. It is very well known that free emigrants going to New South Wales do not like going to the more remote parts of the colony; they object to live so secluded a life, and for such a course of existence the convict, with a ticket of leave, is perhaps the most useful description of servant. For the present, at least, New South Wales is, however, closed against convicts; but an opening for their reception has presented itself in another quarter, by the application of Western Australia for the formation of a penal establishment. Looking at the condition of Western Australia, which offers so little hope of improvement without the advantage of convict labour, there can, I think, be no doubt that the application for it has been wise. Western Australia has long been in a most deplorable condition, in consequence of the mistaken system originally adopted there, of making extravagant grants of land to the first settlers. The consequence of that system has been that there was no emigration fund to afford the means of sending out free labourers, and there consequently has always been a want of available labour which has effectually arrested all attempts at improvement there. The colony, entirely, as I believe, owing to the fatal error of making profuse grants of land, has remained for years in a stationary condition; and whilst Port Phillip, a colony established long subsequently, is in a most flourishing and advancing condition, Western Australia is in a hopeless condition of stagnation. The colonists have, therefore, asked for convict

labour. They wish to have a convict settlement established there, and Her Majesty's Government have determined to accede to their request, and to send convicts out there. A convict establishment, in the first instance, on a very small scale, is to be formed there, and a month has not elapsed since a vessel with a few convicts, selected for good conduct, and under the guard of a small party of pensioners, has been sent out; but it is necessary not to proceed too hastily with the work of sending convicts to that colony, as suitable buildings for their reception have not yet been erected, and I apprehend that for some time to come those convicts will be employed in raising a suitable edifice for their own use, and that the colony will not all at once enjoy the advantage of their services. It is not, however, intended that a penal establishment should ever be formed there on a very large scale. What is desired is, that the convicts sent out should, after a short time, obtain employment in the service of individuals as the holders of tickets of leave; and the main object of having a certain number employed in penal labour, under the charge of the Government, is to keep up an establishment to which the holders of tickets of leave may be remanded for misconduct. At the same time, it is my confident hope that by means of the convict labour which will be at the disposal of the Government, a much-needed impulse will be given to the progress of the colony. They are to be employed under the direction of an officer of the Royal Engineers—Captain Henderson, who gave proof of great ability in the survey of the projected line of railway from Halifax to Quebec. He has been instructed, in the first instance, to endeavour to improve the communication between the capital of the colony and the sea. There is reason to hope that it may be found practicable to render the entrance of the river available for vessels of ordinary burden; and if this can be accomplished, they will be able to come close to the town of Perth, which would thus gain an advantage of the highest importance. Should this be impracticable, a good road is at all events to be made from the town to the present port. Should these measures succeed as I trust, the resources of Western Australia will be developed, and very abundant employment will be hereafter provided for an increased number of convicts. In my opinion—and, I am sure, in the opinion of your Lordships—this part of the subject is of much

importance. The development of the resources of Western Australia is a matter of great interest. Coal is to be found there; and with a view to the projected measures for establishing steam communication with Singapore, I need scarcely remind you of the vast value of such a product. Further, I may state, that Western Australia abounds with forests of the finest timber, while it possesses a climate and a soil capable of producing anything which a hot, though not a tropical, region of the earth may be expected to yield. It is to be hoped, then, that the settlement of convicts in that colony may be productive of great advantage to them, by giving them facilities for recovering their position as useful members of society; to the people of the colony, as affording them a supply of labour; and, in both points of view, to the mother country. I have now, my Lords, stated most of the measures which are now in progress with regard to the management and disposal of convicts sentenced to transportation; and while I freely admit that there are many points of detail on which I have no doubt that improvements will from time to time be required, some of which are even at this moment in contemplation, I hope I may be permitted to express my confidence that the leading principles of these measures are proved by experience to be sound. Your Lordships will observe that throughout the whole of this statement I have confined myself to convicts from Great Britain. My remarks, hitherto, have been limited to offenders convicted in England, Wales, and Scotland; because these only can be sent to the prisons, the management of which will be confided to the visitors appointed under this Bill. The same policy is, however, applicable to Ireland; and it is intended that, as soon as possible, there should be made arrangements for the punishment of Irish convicts in the same manner as those from Great Britain. But these arrangements are at present in a much less state of forwardness as regards Ireland. A great and unforeseen calamity occurring in Ireland has prodigiously increased the number of persons who have been sentenced to transportation. The average of the three years preceding the famine shows that 681 persons had been sentenced to transportation annually. The average of 1847, 1848, and 1849, was no less than 2,658; and I still further regret to be obliged to add, that the highest of those years was the last—in the

year 1849 the number of convicts sentenced to transportation exceeded 3,000. This great increase in the number of convicts sentenced to transportation in Ireland, together with the absolute necessity of closing Van Diemen's Land against the reception of convicts, for some time imposed upon Her Majesty's Government a difficulty of the very gravest kind. Every effort has, however, been made to meet it. Under the former state of the law, Bermuda and Gibraltar were not available for the reception of convicts from Ireland; this law has been altered, and they have been sent there. We have thus been enabled to increase the average number of convicts sent from Ireland to 636 from 435, which was the number in former years. Besides that, additional establishments have been formed for the reception of convicts in Ireland at Mountjoy, not far from Dublin, and at Spike Island, which latter establishment, I am sorry to say, has become crowded most inconveniently—1,400 convicts being now there. The prison at Mountjoy is conducted on the plan of Pentonville, and it is now occupied. At Spike Island, also, every effort is being made to improve the prison discipline. I will not, however, go at any further length into this part of the subject. I am reminded that I have been occupying your Lordships' attention for an unreasonable length of time, much more so than I had myself anticipated. But the subject is one of such great importance, and one which it is so desirable to have well understood, both at home and in the colonies, that it was necessary I should take this opportunity of explaining to your Lordships the views and the measures of Her Majesty's Government. In doing so, I have carefully avoided any reference to matters of controversy, and all allusions to those various imputations which have been thrown out against the conduct and motives of Her Majesty's Government; for however our motives may have been misunderstood or misconstrued by others, I am persuaded that your Lordships will give us credit for having made the best arrangements in our power under circumstances of no ordinary difficulty. I certainly see some points in which, with the experience we now have, I could wish that our measures had been somewhat different from what they were, and with respect to which I acknowledge that a better course might have been adopted; but now, upon looking back at all

the circumstances under which we were compelled to act, I may be permitted to doubt whether we could have been fairly expected to have avoided the errors into which we may have fallen; while I think I may state, with confidence, that a foundation has been laid for establishing a system of convict discipline which will have the effect of deterring criminals from the commission of offences, and which is, at the same time, calculated to promote their improvement, and to protect, to some extent, society at large from the effects of their example and their offences. The experience which we have had, limited as it still is, seems to me to justify this conclusion, and I am sanguine in believing that the accounts which we are receiving from the colonies will be found still further confirmatory of it.

Bill read 2<sup>o</sup>, and committed to a Committee of the whole House.

#### FACTORY LABOUR—THE TEN HOURS SYSTEM.

LORD STANLEY said, he had some petitions to present, signed by a large number of operatives in Rochdale, on the subject of factory labour. The fact was notorious that the Ten Hours Bill which had been passed two years ago, to restrain the labour of women and children, had not been effectually carried out in consequence of the relay system, and that the recent decision of the Court of Exchequer had helped very much to frustrate the law. As matters stood at present the object of the Legislature had not been carried out, and the time which it was intended should be given to women and children for domestic duties and recreation had not been afforded them. He was not one of those who had been very sanguine with respect to the success of the Ten Hours Bill, but he was bound to say that the measure had, during the period of its operation, realised the hopes of its promoters, and had worked well for the operatives and for the employers. Under these circumstances it would be most lamentable if, by any technical construction of the Act, its excellent purposes should be frustrated. He was glad to hear that a Bill had been introduced into the other House directed to the subject; and though he would have preferred to see the matter taken up by the Government, still, as it was in the hands of a private individual, he hoped there would be a general desire, no matter what

views might have been entertained with respect to the original Bill, that the purport of that Bill should not be frustrated by any technical informality. The persons who had signed the petitions presented by him, prayed that the House would support a Bill for restoring the original construction of the Factory Act, and he had only to add the expression of his anxious hope that such a Bill would pass.

#### BURIAL CLUBS.

LORD MONTEAGLE would take that opportunity of asking a question of the noble Marquess (the Marquess of Lansdowne) regarding the laws affecting burial societies. Nothing could be more painful than to see by the reports of the proceedings in our criminal courts, the vast increase of crimes of a most horrible nature—domestic murders, poisonings, and other violent deaths, inflicted by persons between whom and their victims ties of the most tender and the closest nature existed; and it was most shocking to observe that these crimes were perpetrated chiefly in those districts in which burial clubs or societies existed, by the present rules and arrangements of which a pecuniary interest was given to some members of families on the decease of others. He trusted those dreadful crimes and their origin had attracted the attention of Her Majesty's Government, and that some remedy would be applied as soon as possible. He believed that a simple enactment, which need not cover more than a sheet of note paper, providing that the duty of burial should be performed by those clubs for their members, instead of giving any money upon death taking place, would amply suffice to meet the exigencies of the case; and he wished to know whether any such measure was in contemplation, as, if it were not, he would himself take the liberty of introducing one?

The MARQUESS of LANSDOWNE replied that the subject was one extremely deserving the attention of Her Majesty's Government. There could be no doubt that crimes of the most horrible and iniquitous nature had been perpetrated to a degree perfectly surprising, under the inducement of the burial money to be derived from those clubs, and that the effect was most injurious to public morality. He need not add that the subject was one which had attracted the attention of Her

Majesty's Government, and his noble Friend near him (the Earl of Carlisle) hoped to include it in a general measure upon the subject of interment which would be brought in before the end of the present Session of Parliament. He could only add, in answer to the concluding portion of his noble Friend's (Lord Montague's) question, that, although his noble Friend (the Earl of Carlisle) would hardly forgive him if he expressed any doubt upon the subject, yet, if such a Bill should happen not to be passed during the present Session, he would be ready to support such a one as that which his noble Friend said he would introduce.

House adjourned till To-morrow.

#### HOUSE OF COMMONS,

*Thursday, March 14, 1850.*

MINUTES.] PUBLIC BILLS.—Factories; Parish Constables; Titles of Religious Congregations; Copyholds Enfranchisement.  
2° Highways; Chief Justices' Salaries.  
*Reported.*—Titles of Religious Congregations (Scotland); Consolidated Fund (8,000,000*l.*).

#### INTRAMURAL INTERMENTS.

MR. LUSHINGTON wished to put a question to the noble Lord the Member for Bath, and who was also a Member of the Board of Health, and which question he asked under the influence of intense feelings of disgust at witnessing almost the actual perpetration of the nuisance of which he meant to complain. As he was coming to that House to perform his duty that afternoon he passed through St. Margaret's churchyard, and under the tower of that church, and within a few yards of the House of Commons, he saw an open grave ready for the interment of a corpse. Now, it being in evidence that interments in St. Margaret's churchyard were injurious to the health of Members of that House, and also to the public in general, he begged to ask the noble Lord whether he had any power to check or put an end to a nuisance against which the universal voice of the community has protested.

LORD ASHLEY did not wonder that the hon. Gentleman expressed himself with disgust at the continuance of this horrible system of intramural interment; and hoped that he and other hon. Gentlemen would direct their attention to the report lately



issued by the Board of Health, and then they would see, in all its length and breadth, the enormous mischief which this practice engendered. But he regretted to say that the Board of Health had no power whatever, under the General Health Act, to remedy the evil. Under the Nuisances Removal Act, during the late prevalence of the cholera, they indeed made the attempt to close some of the worst of the metropolitan churchyards; but the proprietors and the other authorities brought the case before the magistrates, when the magistrates declared that the Board of Health had exceeded its powers, and that it had no means whatsoever of interfering with these churchyards, excepting now and then to apply certain disinfecting processes. He trusted that a measure would soon be brought before the House to suppress so abominable and dangerous a practice.

MR. GOULBURN said, that when he was Chancellor of the Exchequer he had had a communication with the parish authorities, and was assured by them that they were about to purchase a piece of ground for a new churchyard.

SIR G. GREY had been in communication with the present Dean of Westminster and the other authorities on this subject, and was informed by them that they were about to purchase a piece of ground for a new churchyard; but they had only been waiting in expectation that Parliament was about to introduce a measure respecting interments in towns, in order to ascertain first what conditions the Legislature should prescribe in any such Act. The report of the Board of Health had not been long in the hands of the Government, but it was now under its earnest consideration; and he hoped shortly after Easter to be able to present a Bill to the House founded on that report.

Subject dropped.

#### FACTORIES.

LORD ASHLEY then rose to move for leave to bring in a Bill to amend the Act in respect of the hours and mode of working under the Factory Acts. He said: The House will recollect, that in 1847 a Bill was passed for limiting the hours of labour in factories from 12 to 10 in the case of persons under 18 years of age. That Bill, consisting of one or two clauses, was engrafted on the existing Bill of 1844, which it left untouched in all its provisions

except the limitation of the hours of labour to 10 in the day. By the Act of 1844 the time ranged from half-past 5 in the morning to half-past 8 in the evening; 15 hours' duration was allowed as the period during which labour might be carried on. But there was also in that Act a clause which enjoined that the labour of all young persons should date from the time at which any child or young person began to work in the factory, and should not last for more than 10 hours in the day. The result of that legislation was, that the labour of all young persons was continuous from the time at which it began, and therefore the system of shifts and relays under that interpretation of this section of the Act was impossible. After passing the Act of 1847, however, it was discovered by some parties that the section which affected the period to which the labour of children and young persons might be extended, was not so stringent in the wording as to preclude altogether the employment of relays, and relays were therefore introduced into a certain number of mills. Very great discontent in consequence arose, and very great confusion was created by the great number of contradictory decisions on the subject. The magistrates of Bradford took one view, and those of Manchester another; in short, so contradictory were the decisions all over the country, that no one knew what the law was. The inspectors of factories acted upon the interpretation that relays were altogether forbidden, and proceeded on that principle, but they were often defeated before the magistrates, and the result was, that, to prevent any further confusion, it was considered advisable that the case should be tried in one of the superior courts. A case was accordingly brought into the Court of Exchequer, and there a decision was given adverse to the interpretation put upon the Act by the inspectors. Mr. Baron Parke, in giving judgment, declared that the words of the Act were not sufficiently stringent to carry into effect what the Court strongly conjectured must have been the intention of the Legislature. That being the case, and believing that to prohibit shifts and relays was the intention of the Legislature, I now bring this matter before the House, asking to be allowed to introduce a Bill that will carry into effect what were the intentions of Parliament in 1844. There can, I think, be little or no doubt that it

was the intention of the Legislature that the labour of all young persons employed in a factory should be continuous from the time at which that labour was begun. Baron Parke, in giving his judgment, shows clearly enough that he believed it must have been the intention of the Legislature to prohibit relays; but he says—

“It is not enough that we conjecture, even strongly, that it was the intention of the Legislature to have prohibited the Act; there must be words indicating plainly and clearly that it has done so; and, applying this rule of construction, we do not think that there are words in the statutes sufficiently plain and clear to render the conduct of the defendant in the case above-mentioned liable to punishment.”

But let me go to the next step. In the last report of the inspectors of factories laid on the table of the House, I find these words from the pen of Mr. Inspector Horner:—

“I can speak from positive knowledge that it was the intention of the framers of the Bill of 1844 that the working by shifts, which had been practised under the Act of 1833, should be prevented.”

“When the Bill of 1844 was preparing, the inspectors were called upon by the Secretary of State to suggest enactments which would remedy the defect of the Act of 1833, and they did so.”

It may be stated in confirmation, that in 1845 the Home Secretary (Sir J. Graham) directed his Under Secretary, Mr. Manners Sutton, to write to the inspectors of factories a letter, in which he told them that their interpretation of the law was in his view correct, and that relays were interdicted, inasmuch as the work should date from the time any child or young person began to work. You have, therefore, the full testimony of the framers of the Act as to what their intentions were in framing it; and I appeal to every Member who voted for the Bill in 1844 if they did not intend that the relay system should be interdicted, and that the ten hours' labour should be continuous labour, except with those intervals necessary for meals. Moreover, I recollect that in the same year in which the Bill passed, I proposed an Amendment, and twice I carried it, to the effect that the hours of labour in each day should be from six to six, with two hours for meals. This pretty strongly declared on the part of the House that its intentions were that all shifts and relays should be interdicted. Let me now call the attention of the House to the reason and necessity of this prohibition. The Act was granted *not only for the limitation of toil to ten*

hours, but the main arguments used in the House in favour of the limitation were, that the working people should thereby be enabled to employ themselves every evening for purposes of improvement, in promoting their moral, domestic, and religious benefit, and in recreation—in everything, in short, that tends to keep body and soul in a healthy condition. If this be so, then, let me show that by the present arrangement of shifts and relays, the purpose of the Legislature must be unavailing. What is the effect of these shifts and relays? Do we know the monstrous condition to which the people in these mills are reduced by this system of interminable labour? I cannot do better than read to the House a letter I have received, which gives in very few words a graphic account of the privation and losses to which the people are exposed by this system. A gentleman writes me as follows— [Mr. BRIGHT: Name.] I do not think it is necessary to give the name of the writer; but I can state on my word of honour as a gentleman that he is a person of high standing, and as competent as any in this House to give an account of what he has observed. He is a gentleman on whom the greatest reliance can be placed; and I am ready to admit that if, in such circumstances, I were to impose upon the House the testimony of a person not to be trusted, I should feel that I ought to retire from this House and even from the society of gentlemen. I do not, however, feel myself called upon to give the name, but am willing to inform the hon. Member for Manchester that the letter is dated March, 1849, and that the place to which he refers is Staleybridge. He says—

“I have been to-day to see some factories where the so-called relay system is in full work, and have seen such evidence of the evils of that mode of working the people that I cannot refrain from pouring out my feelings to you. In one factory I found 335 young persons and women working by relays; they are sent out at different times of the day, so as to bring their actual working to ten hours. They are sent out of the mill without any regard to the distance of their homes or the state of the weather. Some of them, I ascertained, lived two miles off, and thus the half hour, or one hour, or two hours, can be turned to no good account. The lads of 13 up to 18, and the young girls and women, are wandering about the streets, and to what temptations of vice and profligacy they are thus exposed I need not say. The manager of one of the mills spoke of the system with abhorrence; and he told me that one of his own daughters is exposed, in another mill, to all that mischief. He and another manager said that the factory law has never worked so oppressively to the operatives as it does now.”

Another strong argument against the present system is the utter impossibility of detecting evasions of the law, and the great facility it gives the employers to keep parties at work during a time exceeding ten hours, and to extend it to eleven or twelve hours. Mr. Inspector Horner, in his report of 1848, says—

“ One millowner, employing more than 1,000 hands, said to me, ‘ Give me the power you describe, and, if I were so disposed, I should have no difficulty in cheating you, if you were actually living in the mill.’ ”

A second said—

“ If working by relays were allowed, the Act would speedily become utterly abortive.”

Another manager said—

“ If there were twenty inspectors we could defy them all if relays were allowed.”

That being the case, and the system of shifts and relays being so very subversive of all comfort and peace among the workmen, I have thought it my duty to come to the Legislature and ask for leave to bring in a Bill that should declare what I consider to have been the intention of the Legislature at the time the Act of 1844 was passed. In doing so I will keep so strictly to the point in dispute that I will not deviate by one hair's breadth to the right or to the left. Doubtless, there are other branches of the question that might be maintained, but I will touch only on the single point of the continuity of labour, and I cannot help believing that in doing so I shall have the full concurrence of the House. Now, I have exhausted my imagination to conceive the grounds on which any resistance could be offered to this measure, but I cannot call up any such arguments, and therefore I am unable to anticipate them. This I know, that every prophecy and every argument employed in 1844 and 1847 as to the evil consequences of the measures we have passed, have been not only falsified, but actually reversed. After two years' experience of the Ten Hours Bill, I will undertake to show—and if I do not I will retire from the charge of this measure—that every single prediction of evil has been falsified, and that benefit only has resulted where nothing but mischief was dreaded. Those who recollect the debates of 1844 and 1847 will remember that nothing was foretold but complete ruin to the manufacturing interest if the short hours Bill was passed. Now, observe, that the Eleven Hours Bill has been in operation for three years, and the Ten Hours Bill for two years, short of six

weeks, and I appeal to all who heard the speeches of Gentlemen on the other side of the House on the first night of this Session, to declare whether the prediction of complete ruin to the manufacturing interest has in any degree been fulfilled? Did we not hear speeches of the most glowing description as to the wonderful prosperity of the manufacturing interest? The hon. Member for Wolverhampton in one of those speeches told us among many other things that wages were high at Bradford, and that there was reason to believe they would rise still higher. Indeed, one Member after another spoke of the prosperity of our manufactures; and I ventured at the time to say to a friend of mine at my right hand, “ Listen to all these glowing accounts, and remember that all this prosperity has taken place under the operation of the Ten Hours Act, from which nothing but destitution to the workmen and ruin to the manufacturer were to flow.” The next argument against the Ten Hours Bill was, that capital would leave the country. How often did an hon. Gentleman, no longer a Member of this House, Mr. M. Phillips, declare that the very hour that Bill passed he would get rid of his mill property, and transfer it to another land? The hon. Member for Lancashire said it would produce on the industry of this country the same effect as the revocation of the Edict of Nantes produced on the industry of France. But what has been the result? Since 1848 there have been vast additions, involving great outlay of capital, to many existing mills, and many new mills are in the course of construction. Capital is being invested in great amount in this trade and business that was to be ruined. But, if I am answered that the Bill has brought more capital and called more labour into the field, then I say it has done more good than could have been imagined, and that Gentlemen have invested their capital in this way because they derive considerable profit from it. The third argument was, that production would be diminished by one-sixth in proportion to the reduction of time. Let me take the two years 1845 and 1846, preceding the period of limitation. The total export of cotton goods in those years was 2,157,146,658 yards. Taking 1848 and 1849, being the two years following the reduction, I find the total exports of cotton goods have been 2,432,406,574 yards, being an increase of 275,259,916 yards, or 12 per cent; whereas the prediction was

a decrease of 16 per cent. Again, for cotton twist and yarn for 1846 and 1847, the quantity was 282,163,491lb., whilst in 1848 and 1849 it was 285,333,657lb., being an increase of 3,170,166lbs. Production, in fact, has increased to an enormous extent. In 1844 a petition was presented from Manchester against the Bill, and embodied these four points. It was said, that "the passing of a Ten Hours Bill would cause a diminution of produce." You have heard how far production has increased. Next, it was said, "there would take place a reduction in the same proportion of the value of the fixed capital employed in the trade." No such thing has occurred. Machinery has been speeded, and any reduction that was anticipated has been met by greater velocity. Next, it was said, "that a diminution of wages would ensue, to the great injury of the workpeople." I will show that no such injury has occurred; and that in a vast number of cases wages have not been reduced—that in some cases they have been raised—and that in all where they have been reduced, they have been met by compensating circumstances. Then, it was said, "there would be a rise of price, and consequent peril of foreign competition." There has been no rise of price, and consequently no fear of foreign competition. That is the case of the opponents of the measure, and I shall be glad to hear in what point those predictions have been verified, and in what point we have been at fault when we asserted that no harm whatsoever would arise to the capitalists. I now come to the case of the working people, and this is well worthy of the attention of the House; for I think I shall be able to show that so great has been the improvement in the moral and social condition of the working people as almost to border on the marvellous; and, if I had not these statements from the most authentic sources, I should hesitate to believe that in so short a time such beneficial effects could have been produced. The first assertion that was made was that wages would be reduced in many instances to the minimum of subsistence. How has that been fulfilled? I will take it under three heads: either wages have been diminished, or have continued stationary, or have increased. I find that wherever wages have been diminished, in no single instance have piece wages been reduced by 1-6th, in proportion to the reduction of time. I will take one mill, and I wish

here to state that, to avoid too long an occupation of the time of the House, I will give instances, as samples of the whole, and thus limit the details. A gentleman has sent me up this from his own mill. In the spinning department the reduction of time has been 1-6th, the reduction of work 1-10th. He tells me the total loss on a pair of mules, per week, in 10 hours, as compared with 12, would be 5s.; but that loss is to be divided among four persons, so that the loss to each would be of no considerable amount. But in the same mill, in the weaving and manufacturing departments, it was the reverse. The gain on a pair of mules, in 10 hours, as compared with 12 hours, would be 5s. 5d. 5 8ths; and the millowner adds this note — "A general improvement of the hands by full 50 per cent." In another mill the reduction in the weaving department, under the Ten Hours Bill, as compared with 12 hours, is only 1-17th; and on the self-actors 1-9th; and, from some extensive inquiries I have made, I find that the average reduction is not more than 1-24th; so that where wages have been reduced, in no instance have they been reduced by 1-6th in proportion to the time; in some instances they have risen; and where they have been reduced, they have been reduced in the proportion of 1-17th or 1-24th. But how have these reductions been met? I ventured, in 1844, to state to the House some homely details, some of which I must now repeat, and, however homely they appear, the House will bear in mind that these small details make up the daily life of the working man. I showed that if the hours were reduced to 10, and wages were reduced in proportion, the working people would, by economy, be enabled to meet more than the reduction, and find themselves altogether in a far better condition; that they were prepared to abide by the reduction, even if it took place to the full extent, but that, even if it took place to 1-6th, they would find compensation for it. I will now show you, in the clearest manner, that they have made more than compensation, and are better off with the reduction and ten hours labour, than with the higher wages and twelve hours labour. Here is an instance given me by an operative yesterday morning, and this is a very fair sample of the effect of the Ten Hours Act on wages, and the possibility of economy. He says, that under the twelve hours system he and his family of seven children worked at a fac-



tory, and earned 2*l.* 15*s.* a week. Deducting 10*s.* for rent and fire, it left 2*l.* 5*s.*; the expense of 26 meals a week required by the family, being four for five days, when they were in full work in the mill, and which number was then indispensable, and three for two days. Saturday and Sunday, when the mill was not in full work, at 1*s.* 8½*d.* a meal, consumed the whole of the 2*l.* 5*s.*, and left nothing for other expenses. The same persons are working now under the ten hours system. Allowing a reduction of 7½ per cent, which is above the average, they earn 2*l.* 11*s.* a week. Deducting, as before, 10*s.* for rent and fire, it left 2*l.* 1*s.*; but instead of 26 meals, they require now but 21 in the week, being three a day, and at the same cost of 1*s.* 8½*d.*, they amounted to 2*l.* 1*s.*, being a saving for meals alone of 4*s.* 8*d.*; and then comes in other considerations worthy of the attention of the House; 8*d.* a week more is saved in this way—the eldest daughters, no longer confined to the mill, are able to make their own dresses and under-garments, and therefore there is a saving altogether of 5*s.* 4*d.* a week; and this operative, and many like him, are better off then, under the Ten Hours Act, than with higher wages under the twelve hours system. The reduction of wages, therefore, is more than met by compensating circumstances; and there must be taken into account the improved health and condition of the parties, the smaller subscription to the pay of the sick list, and the fewer times they are obliged to call on the sick club. But it was next said, “You are saying to a man willing to work, ‘You shall not lay up against an evil day.’” Now, I have not got statements from savings banks, but I have some important statements that have been sent to me by a clerk of some of the societies in different parts of the country, in which he shows the most improved state of the finances of those societies in consequence of the Ten Hours Bill. The clerk to the St. John’s Female Friendly Society writes:—

“The number of members was 300; factory workers, 17-20ths. In 1846-47 the income was 153*l.*; expenditure, 157*l.*; deficiency, 4*l.* In 1848-49, the balance over the expenditure was 44*l.* In the present year an equal surplus is expected. St. John’s School Sick Club. — Members 400. From 1843 to 1847, much difficulty in covering the expenditure; but, in 1848-49, income 73*l.*; expenses, 46*l.*; balance, 27.”

He adds—

“Same results observed in many other societies. My opinion is, that a great saving has been

effected here, and the general health of the population considerably improved, since the Ten Hours Bill came into operation. The working classes appear more disposed to cleanliness and sobriety.”

The officers of the Oakenshaw Sick Society write:—

“We, the officers of the Oakenshaw Sick Society, do certify that the funds of the sick society have increased considerably during the time of the Ten Hours Bill; and we attribute the cause of it to the members having more time for recreation and working shorter time.”

That of itself affords the means of making some saving against an evil day. The fact of being in better spirits and health prolongs his life, and, instead of being obliged to give up work at forty years of age, as the spinner was obliged to do, he may now be able to carry it on to fifty. It was then said that the time so granted will be ill used. Nothing has been more frequently urged than that that time would be converted to the worst purposes. What is the evidence upon that point? No doubt, in so large a mass, some few instances may be found where the people have not turned to account the great blessing they have received, but an enormous majority have acted in the sense intended by the House in passing the Bill. I have here statements from the clergy of the Church of England, from schoolmasters and dissenting ministers throughout Lancashire and Yorkshire, all speaking one and the same thing. Let me take the case of the women first. How have they used their time? There are hundreds of grown girls and women now attending evening schools, and learning to read and write, to knit and sew, learning things they could not have learnt under the pressure of the twelve hours system. “You may see,” writes a clergyman, “the women clean and comfortable, and engaged in domestic duties.” I remember in the last report of Mr. Inspector Horner he states the fact of several young women having given up the business of dressmaking ever since the limitation of time came into operation, because, in consequence of that, young people in the mills now made their own clothes. Is that no important consideration for people of that class? Unless they are acquainted with those duties, how can they undertake to discharge the duties of wives and mothers? An inquiry was made under my direction in 1833. Twenty-three factory houses were examined successively, and not in one of them was found a female who could darn a

stocking, mend a shirt, or make any article of clothing for her husband. The consequence was, that those things were put out and paid for, which was a very considerable reduction in the wages. That work is now done at home, and there are other most blessed results from the Ten Hours Act. I have a statement from a burial society in one of the largest towns in Lancashire. The clerk says—

"The number of burials during the last two years has fallen off considerably, although the cholera raged in the town; and I observe the diminution is of children under five years of age; and I assume the reason to be that mothers are able to come home much earlier, and give that attention to their children which no hired servant can ever bestow."

Let me tell the House how the males have occupied their time. A person of great experience, who has been clerk to many societies for many years, writing from Blackburn, says—and the same may be said of many other towns—

"In connexion with some of the mills are young men's improvement societies, in which are taught the rudiments of the language, and also a sound knowledge of mechanics, geometry, chemistry, and general literature. These societies are solely supported by the young men's private contributions."

I received, only this morning, a letter from Dr. Hook, of Leeds, and he is no idle pastor, but gives more attention and more labour in his mighty parish of Leeds than almost any clergyman ever known there or elsewhere. He writes to me in full admiration of the working of the Ten Hours Act, and says—

"Since the passing of the Ten Hours Act fifty night schools have been opened in Leeds, most of which will be closed if we are deprived of it."

Here, then, I ask this House, talking as it often does about the education of the people, and having received with some favour a proposition from the hon. Member for Oldham—a proposition that contained a new principle hitherto maintained in this House, and which was received simply and solely on account of the conviction of the necessity of extending education—shall we not be chargeable with the most undisguised hypocrisy, if we allow these people to be deprived of the advantage of these schools, if we come here afterwards and prate about the education of the people? But there is another way in which the males have employed their time. In many of the districts the operatives have got small portions of land, and have cultivated them in their leisure hours, and have in

some instances raised not only vegetables for themselves, but enough food for a cow, and so get a supply of milk, and so eager are they in this work that frequently they labour until twelve o'clock at night. I am not stating this on my own authority. The sub-inspector writes to Mr. Saunders, one of the factory inspectors:—

"Todmorden, Nov. 24, 1849.

"My dear Sir—The information you received when at Todmorden, in reference to garden allotments, was, in the main, true. The system had been adopted to a limited extent before the ten hours law came into operation; but then an impulse was given to it which had not been before known. Three-fourths of the land which is now appropriated to garden purposes in this neighbourhood have been called into existence by the factory labourer having more spare time. I can give you a number of cases where the factory hand keeps a cow, partly from the produce of his garden, to supply the little ones with honest milk. A great deal of good arises, and much evil is avoided, by this very rational system. Some of the parties are so attached to their little gardens that I have seen them at work in the moonlight. Thirty acres in this locality are thus used. Diverge from Todmorden, which way you please, 2½ miles, and you will find plots of land, railway slopes, odd bits and ends, which used to be waste, now furnishing recreation, health, and food to the cottager.—Yours, &c. "JAMES HANDMAN."

The fact is, that in many of those desert places parcels of the land had been converted into gardens. This is confirmed by evidence from Keighley:—

"The Ten Hours Act gives greater facility for this enjoyment. Indeed, by far the greater number of allotments I have enumerated have commenced since the Ten Hours Act came into operation, and I believe never would have commenced, had the hours of labour in factories not been shortened."

And I received this morning a very important statement from Oldham, which I dare say the hon. Member for that borough will be able to corroborate, to show that the Spinners' Association have taken a considerable piece of land, and whenever any one of the body was out of work, instead of feeding him in idleness, they put him on that piece of land, and the result has been a saving in the rates of 75*l.* last year. Could they have employed their time in a better way than that in which they have employed it? Is there any man who will say that this does not far exceed the hope he formed of the good working of the Act? Sanguine as I was of its result, I was not prepared to expect so much from it, and can any person say that these people are not in the highway of right, moral, and social amelioration and improvement? Another argument

was urged with great solemnity in these words :—

"This Bill is not for the benefit of the working classes ; it will not tend to their advancement or intellectual culture, or of their social improvement."

Most undoubtedly, if the relay system is persevered in, it will tend not to their intellectual culture, but to their physical and intellectual debasement. But does it not tend to their intellectual and social improvement? Hear the evidence on this subject of Mr. Saunders, the inspector. In his valuable report, recently laid on the table, speaking of Keighley, he says—

"Prior to the Ten Hours Act coming into force the Mechanics Institute was composed of about 200, now it numbers about 400, members ; of these 48 are males in classes, learning reading, writing, arithmetic, grammar, and drawing. These are nearly all connected with factories. There are also 118 females who learn reading, writing, arithmetic, and plain sewing two nights a week, from 7 to 9 o'clock. These are nearly all power-loom weavers at various neighbouring factories; the male and female classes together number 166, or nearly one-half of the total number of the members of the institution. None out of either of these classes were members prior to the passing of the Ten Hours Act, nor would they continue in the classes henceforth were the eleven hours system to come into operation; indeed, they arose and were formed entirely in consequence of the relaxation of the hours of labour by the Ten Hours Act."

And here is the report from Manchester:—

"Night-schools, institutes, and other places of teaching, on the increase; all the ministers of religion declare a better attendance."

The Rev. Mr. Sharples, writing from Blackburn, says—

"Immediately from the passing of the Ten Hours Bill reading-rooms and schools for mutual instruction sprang up on all sides."

What is the result at Bolton and Stockport, I can state on the authority of the Roman Catholic priests of those towns;—

"The number of factory workers attending schools and institutes has more than doubled. There is not the slightest doubt that the social, moral, and physical condition of the factory workers has been improved. Under the shift system these advantages would be destroyed. I am of opinion that the Ten Hours Bill is one of the best measures ever passed."

And so, I believe, the majority of this House will affirm; and let me call attention to this fact, that these two gentlemen are speaking of the Irish part of the population of these towns; and here you may see some hope for Ireland, because you may see there is a mode of legislation by which

those who are in the lowest state of degradation may be brought to something like a state of humanity. In the factory of Messrs. Gardner and Co., at Preston, before the Ten Hours Act there was no night-school. Now there is one attended by 250 females. At Horrocks' mill, at Preston—

"out of 270 hands 104 attend night-schools; and one master finds them so improved that he joins us at our tea parties, and is quite rejoiced at the improvement."

I presented this evening a petition from Dundee signed by many persons; by the bishop, 15 clergy, 18 medical men, and 20 millowners, all denouncing the shift and relay system, and calling for a continuance of the Ten Hours Act. Another clergyman writes to me, a pastor in a dense population—

"I can speak of the effects of the Ten Hours Act on my daily evening service. The majority of the regular attenders consists of persons engaged in factories. Their conduct and spiritual condition are the most satisfactory of any persons attending my church. . . . Deeply would they grieve, and deeply should I grieve, if the Legislature sanctioned a system such as the relay system, which must entirely deprive them of these benefits, and would very deeply injure their moral and religious character."

A great change, too, has also come over the minds of many millowners who formerly opposed the Act. One extensive millowner, Mr. Eccles, formerly an opponent of the Bill, who was a magistrate, stated the other day, on the occasion of several persons being convicted of evading the law, that he would on all occasions enforce the law with the utmost rigour; that the Ten Hours Act had produced a vast deal of good, and that the people were more healthy and cleanly than before. Another writes to me thus:—

"I feel satisfied that no millowner can come forward honestly to say one word against the well-working of the Ten Hours Bill. The abominable system of shifts and relays is obnoxious even to those who practise it: and it is only adopted in a spirit of opposition to one of the best measures of legislative enactment. . . . The average wages per head in this town are as great as I have ever known, though the time is reduced by one-sixth. An improvement in the health, happiness, and contentment is quite manifest among the operatives—a sure index to moral and religious progression. . . . In fact, it has done much good to the trade generally."

I have now put before the House a statement of the case of the working people. I have put before the House the arguments that were adduced against the Ten Hours Bill, and I have shown the utter and complete refutation of those arguments. I

have stated the error in that Act. I ask, then, that the error of legislation be redressed, and that a law, so fruitful in every good result, be confirmed without delay. This is the question that, after seventeen years of effort, I propose to this House on behalf of the great mass of the operatives of the counties of Lancaster and York. I can hardly anticipate either an immediate or a future opposition, and yet I am told that some attempt will be made to qualify our demand, and give but a scanty answer to our prayer. I, for one, am resolved not to accept any such concession; nor do I believe that those whom I represent will be less resolved to maintain a certain good than they were during twenty-five years to pursue one that was problematical. They have proved the virtue of the measure, have entered into possession, and nothing will turn them from it. And, God be praised, I say it emphatically, that they are so determined; it is a noble proof of social and moral amelioration; it shows to us that they prize, and that they will use, the opportunity of intellectual and religious culture, and of all the domestic virtues; it fill us, in a time of many fears, with hope for these realms, nay, more, with hope, that this great nation may be an example to others for the advancement of mankind. Sir, Her Majesty has invited the people of all nations to flock, next, year, to this country, and witness an exhibition of all that the world can produce; every class, every calling, every profession, will contribute something to show its peculiar industry. Let it be the work of this House to show a contented, happy, and well-governed people—*hæ tibi erunt artes*. You are not called upon to begin afresh; the blessed work is already half accomplished, and you are now only besought not to destroy it. Formerly, Sir, I appealed to the humanity of the Legislature; I do so no more, for I stand on our Magna Charta, on our accorded rights; and feeling convinced as I do, from the bottom of my soul, that this question secures the temporal and eternal welfare of many thousands, I appeal alone, in the name of Almighty God, to the justice and the honour of Parliament.

MR. H. EDWARDS: Scarcely three hours have elapsed since I was informed that it would be my privilege to second the Motion of the noble Lord the Member for Bath, and not being in the habit of addressing the House, and, moreover, never wishing to do so except on matters referring to the general interest

of the district which I represent, I throw myself upon the indulgence and generosity of the House with great confidence. This, however, is a question so vitally affecting the mass of the people in the manufacturing districts, that I accept the opportunity with much satisfaction. The manufacturers in the neighbourhood in which I reside almost unanimously object to the shift system, and even since the decision of the Judges in the Court of Exchequer has rendered it legal, very few have shown any disposition to avail themselves of it; and I find from Captain Hart, the sub-inspector of the district, that not one information has been laid by him for a breach of the law as respects relays or shifts since the Ten Hours Act came into operation in any part of the country over which his jurisdiction extends. It is my decided conviction that this system would deprive women and young persons of the benefits intended by the Act of Parliament; for, although not absolutely worked more than ten hours, their time would necessarily be at the disposal of their masters during the entire fifteen hours between half-past five, A.M., and half-past eight, P.M. Besides this, I question the practicability of carrying out the law, as recently constructed, unless indeed the present staff of inspectors were greatly augmented; and even then, supposing two sets of hands are working fifteen hours, the difficulty for any inspector to ascertain whether any one individual had not worked for more than ten consecutive hours, or for a longer period, would be almost insurmountable. I have ever been a strenuous supporter and advocate of the Ten Hours Bill, and, since the Act came into operation, I have seen no reason to change my opinion; for, by the increase of speed in machinery, and the closer attention of the workpeople, the amount of production will not, I think, eventually, be materially diminished, especially in the worsted and cotton factories. Whatever difference of opinion may exist amongst manufacturers as regards this Act, contrasted with one of eleven hours—when the former became the law of the land—with the true and loyal spirit of Englishmen, they all united in a desire to uphold it against all attempts at evasion. Very few, I think, will be found to advocate any restriction of the motive power, or to interfere with adult labour; for, whilst by the former step we should only multiply the number of mills, by the latter we should deprive the frugal



and industrious artisan of an opportunity of increasing the amount of his wages, and thereby adding to the comforts, perhaps, of a large family, when orders were plentiful, and the trade of the country in a prosperous state. Besides, it would clearly be an unjust interference with the rights of the subject. We want the Act of 1847, and with nothing short of it will the people of the united kingdom be satisfied. I have reason to believe that by all constitutional means it is the intention of the men of Yorkshire and Lancashire, by a simultaneous effort throughout the manufacturing districts, so to impress upon the Government the necessity of keeping faith with the originators and framers of the Act of 1847 (for which the operatives had manfully struggled upwards of 30 years), by carrying out its provisions in their true spirit, that Ministers could not long hesitate to rectify the blunders they have allowed to pass into law. My views and principles have ever been favourable to protection with temperate modifications; but as soon as free trade became the law of the land, I felt bound to give it a fair trial. I have heard a great deal in this House of the steady, sound, and healthy state of trade throughout the country. I only trust it may be so in reality; but I entertain great doubts about it. It is perfectly true that in Bradford, the great emporium of the worsted trade, a state of things exists hitherto unprecedented. Orders for yarn cannot be executed with sufficient despatch, and thousands of poor woolcombers, who only two short years ago, I well remember, were wandering about the streets in a state bordering on starvation, are at the present moment fully employed, and at fair wages. May they long continue to reap the blessings they now enjoy! In the woollen districts—I mean Halifax, Huddersfield, &c., with which I am most familiar—the same thing exists, although in a more limited degree; but is it so in the cotton districts? No. We have merely to cross the border to the neighbouring county—Lancashire to wit—and we shall find a very different state of things. Already a reaction has taken place, and, if we can rely upon the weekly circulars, a large proportion of the mills are working short time; the home market is overdone, the foreign markets are positively glutted with Manchester cotton fabrics. I attribute, in the woollen and worsted districts generally, the wonderful trade we have enjoyed during the last

twelve months, not altogether to the effect of free trade, which I allow has not yet had a fair trial, but that it is partly to be accounted for by the extraordinary—I had almost said undesirable—cheapness of money, which has enabled the manufacturer to supply that vacuum which has been caused by the unexampled depression of two preceding years. These facts may appear to the House irrelevant; but I mention them to strengthen my argument that it would be unwise to place any restriction on the motive power, or to interfere with adult labour; for, whilst by the former we should be induced to build a greater number of factories, and create a false demand for labourers from the agricultural districts, who would starve when any reaction took place; by the latter we should deprive the industrious operative of the benefit he might derive by a few extra hours of labour, and extra wages when the state of trade was prosperous. One remark, and I have done. It is a remarkable fact that the families of the majority of the Members of the West Riding, including my own—and I take pride in admitting it—have risen from trade, and some of them even within the last quarter of a century. I now fervently appeal to them, one and all, to embrace this opportunity of acknowledging a debt of gratitude to the working classes, by giving their unqualified support to the prayer of the parties to whom, in truth and reality, they owe their present proud and honourable position in the Commons' House of Parliament.

SIR G. GREY said, that although he certainly had indulged the hope that, after the protracted discussions which had formerly taken place upon the much-disputed question of the propriety of imposing a restriction on the hours of labour of certain classes of persons employed in factories, Parliament had at length arrived at a settlement of the question, and that it would have been unnecessary to revive a discussion which every one must deprecate, because it could hardly be carried on without placing in apparent antagonism the interests of persons engaged in a great branch of national industry, whose interests, however, were inseparably combined, and between whom it was essential that sentiments of kindly feeling should exist; nevertheless he must admit that in the present ascertained state of the law his noble Friend and those who were acting with him were justified in coming to the House and asking for a

legislative remedy for what they believed to be an evil. He would say nothing then of the nature of the remedy which his noble Friend proposed; on that subject, indeed, the noble Lord had said but little himself, and rather allowed it to be gathered from the general purport of his observations than from any specific declaration of its nature. Speaking for himself, and looking back to the part which he took in supporting the existing restrictions on the labour in factories of the classes before referred to, he must say that whilst admitting that some amendment of the law was expedient, and, although he thought it was of great importance that the amendment should, if possible, be proposed and adopted—as he hoped it would be—with the concurrence of reasonable and moderate men, who, on former occasions, entertained conflicting views on the subject, still he was not prepared either to propose or to advocate any amendment of the law which would be inconsistent, he would not say with the letter of the Act of 1847, but with the main object for which restrictions were imposed on the labour of women and children employed in factories. The House would, perhaps, allow him to take a rapid glance at the course of legislation on this subject. The Act of 1833 enacted that no young person should work at night in a factory, and the night was defined to be between half-past eight in the evening and half-past five in the morning, leaving a period of fifteen hours during which young persons might be employed; but by the second section of the Act it was provided that no young person should be actually engaged in working for more than twelve hours out of the fifteen, and the sixth section of the Act also provided that one hour and a half should be allowed for meals. Under that Act it was beyond all doubt lawful to employ young persons at any periods between half-past 5 A.M. and half-past 8 P.M., provided that the time during which they were so employed did not exceed twelve hours. By the 7th and 8th of Victoria, c. 15, sec. 32, the Act of 1844, women were classed with young persons, and became subject to the same regulations. Sections 30 and 31 regulated the hours of work for children. Section 26 provided that the hours of work of children and young persons in every factory were to be reckoned from the time when any child or young person should first begin to work in the morning in such factory. The definition of night remained

unchanged. It was then lawful to employ young persons and females at any period of the day between 5.30 A.M. and 8.30 P.M., provided the whole period did not exceed twelve hours. But the 26th section contained this important provision, that the commencement of the hours of working for all young persons was to be the same. The next Act was the 10th and 11th of Victoria, c. 29, by which the hours of labour were reduced, first to eleven, and then to ten. His noble Friend contended that the ten hours should be continuous. Conflicting decisions were made by the magistrates. The factory inspectors took the same view of the matter as the noble Lord, and the question being referred to the law advisers of the Government, they decided in favour of that view, which was also coincident with the opinion held by successive Ministers themselves. But the opinion of the Home Secretary and of the law officers of the Crown did not constitute the law, and the question having ultimately been carried to a court of competent jurisdiction, a decision had been given which declared that, under the Act, it was not necessary that the ten hours' labour should be continuous. He had not a word to say against the arguments by which the judgment of the Court of Exchequer was supported, but the construction which it gave to the law was open to serious practical objection. There could be no doubt, as the noble Lord had stated, that a strong feeling prevailed, not only amongst workmen, but employers, that legislative interference was necessary to avert the inconveniences which must result from a strict adherence to the construction which had been put on the law by incontestable authority. The object of the limitation of the hours of labour was, in his opinion, twofold—to promote, first, the physical, and, secondly, the social improvement of the classes to which it applied. It was not desirable to revive discussion as to the injury which it was alleged protracted labour in factories inflicted on the persons who were subjected to it; but it was notorious that one of the main grounds on which the noble Lord and others advocated the restriction of the hours of labour was the physical injury caused by it. The noble Lord was of opinion that the system of relays and shifts were equally prejudicial to health; but he (Sir G. Grey) thought that there was a distinction between shifts and relays, and that under proper regulations a

system of relays would be perfectly compatible with the physical object of the restriction or the hours of labour. In such a system of relays the labour would be continuous, while in the shift system it might be opened over the whole fifteen hours with various intervals of rest. He did not, however, think that either of these systems was acceptable generally to the millowners or the workpeople. Before adverting to the moral part of the question, he must be permitted to observe that the noble Lord lost sight of the distinction which the law observed between different classes of persons employed in factory labour. [Whatever might be the effect of the restriction placed upon the labour of young persons, it evidently was not the intention of the Legislature to impose any restriction on the labour of adults, yet many of the instances of moral improvement to which the noble Lord had referred as resulting from the operation of the ten-hour clause were furnished by adult males. There could, however, be no doubt that one of the objects which the Legislature had in view in restricting the hours of labour of women and children was to provide those classes with opportunities for moral and social improvement. It was expected that females would have time in the evenings to attend to the instruction of their children and to their domestic affairs. It was with much satisfaction that he was able to say, that in a moral point of view the result of restricting the hours of labour had equalled all that the most sanguine advocates of the measure anticipated from it. The reports of the inspectors of factories, of ministers of religion, and all authentic information which had reached him from various quarters, proved that women and young persons duly appreciated the advantages they derived from the operation of the ten-hour Act. Schools had been opened, and instruction had proceeded to an extent not before known—instruction, not only in reading and writing, but in needlework and those branches of industry which were essential to the comfort of a well-ordered family of the lower classes. It might be remembered, too, that when the Bill was under discussion, it was predicted that the harmony which, up to that time, had subsisted between employers and employed, would thenceforth be liable to disturbance; but it was only just to the great body of millowners to say that the beneficial results to which

he had just adverted were, in a great measure, owing to their cordial concurrence in the spirit and tenor of the Act of 1847. Many of the millowners who opposed the Act in its progress had seen cause to modify their opinions; and if they were now not prepared to go to the same length as the noble Lord, they were at least disposed to agree to a measure framed, if not to the letter, yet in the spirit of the Act of 1847. He thought, however, that the shift system deprived the parties of the advantages of the limitation. As an illustration of the shift system, one of the factory inspectors stated that a manufacturer divided his hands into six sets, all of whom commenced working at the same time—six in the morning—in order to comply with the 26th section of the Act; but then all but one set, after merely drawing out an end, were taken off and obliged to return at later periods of the day. One girl who lived at no great distance from the factory stated that she went home again, and got into bed until she was wanted again at the factory. Another girl, who walked some miles to her work, said she was obliged to spend her time in an eating-house until her hour for resuming work in the factory arrived. It could not be denied that it must be a great inconvenience to females to be thus obliged to wait about for several hours on a dark winter's morning. The inspectors said, in allusion to this and similar cases—

“ Thus the beneficent intentions of the Act are frustrated, and the hours of rest are unnecessarily curtailed.”

A letter which he had received that day from Mr. Saunders, one of the factory inspectors, contained the following passage :—

“ Neither relays nor shifts of young persons or women prevail in any considerable number of mills in my district ; nevertheless, the number of parties who have applied for information, and the complaints made as to the general effect of the system on a certain class of workpeople, induce me to apprehend that other mill-occupiers will resort to it, unless the Act be amended, and the practice either altogether prevented or strictly regulated.

... In every case that I have visited, great dissatisfaction has been expressed at the necessity of adopting so complicated a system, especially the necessity of reckoning or computing the hours of work from the early hour—in almost all the desire has been expressed that relays or shifts should be prevented. It will of course be understood that I have excluded all reference to relays of children.”

The question was, how the benefit intend-

ed to be conferred by the amendment of the law could best be secured with the least injury to the parties whose interests were concerned. He would not be prepared to consent to an amendment of the law which was inconsistent with the enactment of 1847, or with the attainment of the main object of its promoters, namely, to give the persons to whom it applied that opportunity of duly attending to domestic duties which would be afforded by the free, uninterrupted enjoyment of their evening hours. Those persons had shown that they were able to appreciate that enactment. With respect to the proposal of his noble Friend, he understood him to say that proceeding on a clear and undisputed intention of the Legislature, he desired to enact that the labour of all persons of this class should be continuous labour for not more than ten hours. He (Sir G. Grey) did not go the length of his noble Friend in saying that the intention of Parliament was clear to that effect. His noble Friend quoted from Mr. Inspector Horner's report a passage, in which Mr. Horner said—

"I can speak from positive knowledge, that it was the intention of the framers of the Bill of 1844 that the working by shifts, which had been practised under the Act of 1833, should be prevented."

His noble Friend rather assumed Mr. Horner's statement to be what he (Sir G. Grey) did not think it was. His noble Friend assumed that it referred, not to the Bill of 1844, but to the Act of 1844. He assumed it as a matter free from doubt, that Parliament had the intention which he alleged. The intention of Parliament, however, must be deduced from the Act of Parliament, not from any debates in that House. There was no doubt the statement of Mr. Horner was perfectly correct as regarded the Bill of 1844 when first introduced. It would be observed by those who had read the judgment of the Court of Exchequer, that the remark was made, if it had been the intention of Parliament clearly to enact that the hours of labour for persons of this class should not only begin simultaneously but end simultaneously, they would have inserted a provision that the hours of labour should so end simultaneously when ten hours had elapsed. That was precisely what was done in the Bill of 1844, to which, no doubt, Mr. Horner's observation referred. That Bill contained a clause which was precisely in accordance with

what Mr. Baron Parke said might have been the terms of the Act of Parliament. The 8th clause of the Bill was as follows:—

"Be it enacted, that no young person, and no female of any age, shall be employed in a factory in any one day more than twelve hours, or after the expiration of twelve hours from the time when any child or young person in the factory first begins to work in the morning, over and above the time given for meal times, save in the cases hereinafter excepted."

These were explicit words, "after the expiration of twelve hours" from the time of beginning to work. There was an unambiguous clause, a clause which could have left no doubt as to the intention of the Legislature. The intention of the framers of the Bill was to put an end to working by shift or relay. But the House was dealing not with the intentions of Mr. Horner, or of his right hon. Friend opposite the Member for Ripon, who introduced the Bill, but with the intentions of the Parliament which passed that Bill. The Bill, as originally introduced, was withdrawn. Clause 8 was found wanting in the new Bill, and a substitute was proposed for that clause in Section 26, which was differently worded. Whether these views were right or wrong with respect to the intention of the measure, what he meant to ask the House was not hastily to assume that Mr. Horner was referring to the Act of 1844, as contained in the Statute-book; as there appeared to be ground for presuming a change of intention, and that for some reason or other a provision which would have removed all doubts was excluded from the measure. The judgment of the Court of Exchequer stated, that however their opinion might be, that it was the intention of Parliament to fix a period for the cessation of labour:—

"We must, then, consider whether, in the absence of express words to this effect, we can collect from other parts of the Act that was the meaning of the Legislature so clearly and unequivocally as to call upon us to give effect to it."

"Undoubtedly," the judgment proceeded to say—

"Undoubtedly, if there was such an enactment, it would have the effect of securing to the children and young persons whom it was most certainly the object of the Legislature to protect against their own improvidence, or that of their parents, the more effectual superintendence and care of the inspectors. Without question it would more certainly prevent them from being overworked, and secure to them more completely the benefit of some education in public schools which



the Legislature meant them to enjoy—it would advance the intended remedy. But then this result could only have been obtained by a larger sacrifice of the interests of the owners of factories, and we cannot assume that Parliament would disregard so important a consideration.”

His noble Friend did not propose a declaratory Bill, though the notice he had given seemed to point to such a measure. However he might have argued the case, the Bill was free from all exception in respect of the form in which it was proposed, because his noble Friend did not call on the House to declare the law to be what the Court of Exchequer had declared not to be the law. He (Sir G. Grey) would offer no opposition to the introduction of the Bill, but he cherished the hope that means might be found to combine persons holding different opinions on the subject—those who had been formerly hostile to the enactment under which the case had arisen as well as those who had supported it—to combine all parties in one movement for the purpose of securing to the classes to whom the Act of 1847 related opportunities for instruction, recreation, and the discharge of their domestic duties. Whether that result were attainable remained to be seen; but he did not think the object of the noble Lord could be attained till he reverted to another principle in the Bill of 1844, which it was to be regretted had not found its way into the Statute-book, which the noble Lord had himself advocated in that House, and which consisted in making an alteration in the definition of “night,” by which the range of hours for labour would have been reduced. It was a matter for consideration whether that was not the best mode of proceeding. Great and important interests were at stake; and by personal communication with gentlemen holding different opinions on the subject, and with the inspectors of factories, he had endeavoured to ascertain what was the real injury done to the classes whose interests were involved in the matter, with the view of applying a remedy, which in the spirit of the Act of 1847 might be most conducive to the object they desired to accomplish. The noble Lord alluded to the opinion of Mr. Eccles, and adverted to the impossibility he conceived to exist of ever enforcing penalties for a breach of the law under existing circumstances. This very case of Messrs. Hopgood, in which a magistrate, who had been a strong opponent of the Factory Acts, pronounced the decision, showed that it was not impossible to obtain full justice for per-

sons overworked. The facts of the case, which was tried at the sessions in Blackburn, were remarkable. There were no less than fifty cases in which penalties were sought to be recovered; and the amount of penalties imposed on Messrs. Hopgood was 70*l*. Speaking of the Act of 1847, Mr. Eccles said—

“If, in this instance, the violation of it had been a slight one; if it had been only for a few minutes, we should have thought that we were dealing hard with Messrs. Hopgood to make them accountable for such a slight violation; or if we had any grounds to believe that it took place without their connivance—without their fully knowing of it.”

And he went on to say—

“I will not say that in every instance a master can prevent an infraction of the Act, but he should take care that there is no material violation of it. I cannot help taking this opportunity of saying that since the Act came into operation, young people have seemed to me to be more clean, and healthy, and comfortable than they were before. That is my impression, and I, for one, shall feel exceedingly sorry to see any material change in it.”

With respect to the specific remedy proposed by the noble Lord, he (Sir G. Grey) wished to keep himself unfettered. He was unwilling to make any propositions till the matter had advanced further, and it should be seen what were the prospects of effecting a settlement without bringing into collision those classes whose interests were so closely combined. He did not know whether the noble Lord had not acted wisely in the course he had taken, and he trusted the result would be to bring about a satisfactory arrangement.

MR. BANKES said, that the right hon. Baronet had with his usual candour stated the real views which he entertained on this subject. They, however, who acted in concert with his noble Friend the Member for Bath, being anxious for a speedy decision upon the point, could not but regret that the right hon. Gentleman's mind should not be made up, and that the Government should not be prepared to give any answer to the present application. It was a matter that must be decided at no very distant time, and he believed that the Government, as well as the House generally, would feel greatly obliged to his noble Friend for taking up the question, since the Government had declined to do so. It was most injurious to the masters, as well as the operatives, to allow the question to remain in its present state. It appeared that the difficulty arose not from the last statute of 1847, but from a clause which

had been introduced into the Bill of 1844. He hoped, that before they proceeded much farther into the discussion of this question, they would have the advantage of being enlightened by the former Secretary of State for the Home Office as to what the real state of the case was when this Act of 1844 was passed. The Bill had been introduced in 1844 by his noble Friend the Member for Bath, who having reason to understand that it would be sanctioned by the Government, he gave up into their hands the conduct of the measure. It was, consequently, a matter of surprise to him to find that when the Bill was passed into a law, it did not contain that which he considered the main principle of the measure. Although no person would call into question the decision of the Court of Exchequer, it should be recollected that it was not pronounced until after much argument and some degree of doubt on the part of the learned Judges. Previous to this decision being pronounced, decisions of a very opposite character had been given by judges of an inferior tribunal. Consequently it might be assumed that the law would bear that interpretation which by many was put upon it. In consequence of the decision pronounced by the superior Judges, his noble Friend was compelled to apply to that House for a remedy. His noble Friend had confined his speech simply to the one point, namely, that of proposing to enact that that should be the law which was understood to be the law when the Acts of 1844 and 1847 were passed. He thought that the Bill should be rather an enacting than a declaratory Bill; because, if it were the latter, it might seem to imply a doubt against the decision of the Judges of the land. When the Act was under discussion in that House, it was viewed in the light of a measure that proposed in its consequences to confine the work of the operatives to ten hours only, for this was the only difficulty which the opponents to the measure had to grapple with. These restrictions upon the time during which the operatives were to work, commenced as far back as 1833; and subsequently they were slowly and cautiously increased, according as the experiment was found to answer. The first measure was one having reference to children only. A measure was subsequently introduced, which was made applicable to all young persons under 18 years of age. The result of these enactments was found to be most advantageous, for, without *injuring the manufacturers*, they conferred

great and acknowledged benefits upon the operatives. They found that both the moral and physical condition of the operatives was considerably improved by these measures. They found that all the predictions made by the opponents to these Bills had been falsified, and the hopes of those who entertained a favourable view of these restrictions had been more than realised. In regard to the intentions of the Legislature in 1844, it was not in his power to speak with confidence, inasmuch as the want of practical knowledge to justify him in forming a sound opinion as to the possible operations of that measure, made him hesitate in taking a prominent part in favour of this Bill. He did not become a strong adherent to the principle therein propounded until he had given the subject much consideration. He felt generally satisfied when he had the authority of his noble Friend in all such works of benevolence; but were it not for the great authority of Mr. Fielden upon the subject, he never should have been induced to concur in the votes which he then gave. In 1844, however, he merely took the humble part of giving a silent vote. But when, from time to time, he heard such favourable reports of this measure, that no evil result whatever had arisen from these restrictions of the working hours—when he heard, on the contrary, that great benefits were springing up, and great improvements were effected in the physical as well as the moral condition of the operatives, he then did feel himself fully justified in following up more earnestly the course which he had before so cautiously taken. At a subsequent period, when his noble Friend was not in Parliament, he (Mr. Bankes) came forward in his absence to take, as far as he could, that part which he knew the noble Lord would have taken if he were present. Accordingly, in 1847, he did take an active part in the passing of that measure, and he could positively state that it was the feeling upon all sides of the House that it was a Ten Hours Bill they were about to confirm; because, although it was true that that enactment did not touch adults; they were told by the manufacturers on all sides that the effect of such a Bill would be to limit the hours of all workmen. The idea of relays or shifts was never entertained then by any person; and from what the right hon. Baronet the Home Secretary had said, these relays or shifts had been resorted to by comparatively few manufacturers. This

Bill was then intended to protect those who did not resort to that system, which they thought would be beneficial to neither operatives nor manufacturers; but unless such an enactment was passed they might be forced to adopt the same system upon the principle of self-defence. In the largest manufacturing districts he understood that this practice was altogether unknown, and they now desired to restrain those who had adopted it. They had been told that in the Bill of 1844 there was, when the Bill was first introduced, a clause expressly referring to this system of relays, and he believed that the predecessor of the right hon. Baronet would not deny that there was no intention at that time of sanctioning such a system. This, therefore, was not unjustly called an evasion of the Act. He did not use the expression in any offensive way. He did not mean to throw out the insinuation that the manufacturers entertained any design to evade the law. He could not say so, for it appeared by the decision of the Judges of the superior courts that they had not violated any law. These parties, however, would not deny that this practice was not supposed to be legal either in 1844 or in 1847; and it was not resorted to until there was an extraordinary demand for our fabrics, which of course was a circumstance that occasioned much rejoicing. The experiment was then made as to whether the system could or could not be resorted to. If he did not believe that the measure now submitted to the House by his noble Friend would prove beneficial to the manufacturers as well as to the operatives, he should hesitate to give it his support. He believed that the measure was one that in nowise ran counter to the sound principles of political economy, and that it was merely intended to confirm a law which had been found to confer the greatest blessings upon all parties concerned. He was strengthened in that opinion by the authority of an hon. Member of great talent and distinction, who addressed the House upon the subject when the Bill of 1844 was under discussion. He would read from *Hansard* the opinions of that hon. Gentleman, for the purpose of showing the impressions of those who then took part in the debate. The hon. Gentleman, whose name he would withhold until he had quoted the observations to which he referred, said—

“ If we enlarge the various markets for our productions—if we allow a full and fair exchange of our commodities for the corn, and sugar, and

coffee of other countries—this would be the practical means of raising the value of our products, and consequently of raising the value of that labour which produces them. So that, indeed, then ten hours' labour might be as good or better than what twelve hours' labour was now for the pockets of the labourer, and might produce as much profit to the master.”

This was the speech of the hon. Member for the West Riding of Yorkshire now, who was then the hon. Member for Stockport. The hon. Gentleman spoke of a Ten Hours Bill as being the point in question, and he said that if they increased the demand for their produce, they would be at the same time enhancing the price of labour—that if they allowed corn, and tea, and sugar to come into the country, they would find that ten hours' work would be as good as the twelve hours which the operatives were then obliged to give. He (Mr. Bankes) would feel himself justified in calling upon that hon. Gentleman when he saw him in his place to fulfil those expectations which he held out in 1844. The hon. Member said, that when the demands which he then made were fulfilled, he, on his part, would admit that the advantages which would accrue would be such as had been stated. The question now for their consideration was, whether they could safely give the ten hours asked in favour of the operatives. Let those who were opposed to this demand now state, from their experience and practical knowledge, what mischiefs and difficulties had ever arisen from the experiment that they had already tried. He did not believe that they could do so. He had seen manufacturers and labourers from different parts of the kingdom upon this subject, and he declared he had not the slightest doubt but that those alterations in the law had worked most beneficially up to this time, and had given the greatest satisfaction to the people.

MR. M. GIBSON said, the hon. Gentleman had stated in more direct terms than those used by the noble Lord the Member for Bath, what was the real object of the Ten Hours Bill. He told them plainly and distinctly that one object of that Bill was to limit adult male labour.

MR. BANKES said, he had only admitted that to be a necessary consequence.

MR. M. GIBSON said, the hon. Gentleman had stated that such was the intention of those who passed it.

MR. BANKES said, the right hon. Gentleman misrepresented his meaning. He had not spoken of the intention, but of the necessary consequence.

MR. M. GIBSON had certainly understood the hon. Gentleman to say that the limitation of the hours of adult labour had been the object, but he submitted to the hon. Gentleman's explanation. He must, however, say, that if that were the object, the best course would be to include male adults in so many words in the Bill. His object in rising, however, was to guard against the supposition that by consenting to the introduction of this Bill, he sanctioned the plan shadowed forth by the noble Lord the Member for Bath. He used the words "shadowed forth," because the noble Lord had not explained in a definite and clear manner the precise nature of the scheme which he proposed. So far as he understood the noble Lord's plan, it did not seem to him likely to obtain the sanction of the House. He admitted that in its present state the law required some alteration. He believed that the whole difficulty arose from the circumstance that the clauses of a Twelve Hours Bill were imported without due consideration into a Ten Hours Bill. Parliament, in fact, did little more than substitute "ten" for "twelve," thus evincing, as usual, what he must be permitted to describe as the little consideration with which that House had dealt with great and important interests. He did not know precisely whether the Twelve Hours Bill prohibited relays and shifts or not; some thought that it did, and such, he admitted, might have been the intention of its framers. But, in truth, the effect of the clauses of the Twelve Hours Bill was never thoroughly tested until there arose a necessity or desire to have recourse to the relay system under the Ten Hours Bill; and when the Ten Hours Bill came to be worked with the clauses imported into it from the Twelve Hours Bill, it was found that the probable intentions of the framers of the last measure were not carried out, and the courts had decided that the relay system was not prevented. He never thought the clauses of the Twelve Hours would work with a Ten Hours Bill. On the framers of the measure, who had undertaken to regulate employment in factories, must rest the blame of the difficulties which had arisen. They supplied the law, and were responsible for it. The manufacturers and millowners were not justly chargeable with having sought to evade the law. Much as they might have objected on principle to legislative interference with the hours of labour, he believed he might declare with truth

that they had, for the most part, earnestly desired to carry out honestly the intentions of the Legislature. They might have denied that it was good policy to interfere at all; they might have doubted whether the Legislature consulted the best interests of the country in enacting such a measure as the Ten Hours Bill; but he could not admit that when that measure had been placed on the Statute-book they had systematically endeavoured to evade it. They had merely used those powers, and availed themselves of those rights, which the Legislature had in the enactment placed at their disposal. He must say that he thought the noble Lord had allowed his feelings to lead him into no little exaggeration in reference to the effects of the factory legislation. In speaking of the condition of the labouring classes, he took credit for the improvement, as if it were entirely owing to this imperfect factory legislation, not saying one word about those important changes in our commercial system which had recently taken place, though he (Mr. M. Gibson) believed that those beneficial alterations contributed far more to the improvement of the physical condition of the great mass of those who were employed in factories than any of the regulations which had been imposed on factory labour. He thought it only fair to make that remark; and he must add that the improvement referred to was observable in the case of other trades and occupations, besides those which were included in the Factory Bill of 1847. He repeated that he thought the noble Lord's feelings had carried him away, and had led him to make too highly coloured a statement with regard to the effects of the Factory Bill. With respect to the case mentioned by the noble Lord, that of a bishop in the north, the bishop in Dundee, he believed, who had observed such a marked improvement since the reduction of the hours of labour— [Lord ASHLEY: I said no such thing.] He had understood the noble Lord to state, on the authority of the bishop, that the congregations had increased, and that a greater desire had been manifested for spiritual instruction. [Lord ASHLEY: I said not a word about it.] With all deference for the noble Lord, he must say that such representations ought not to weigh with that House. If the twelve hours' system had produced the degrading and demoralising effects which the noble Lord had described, it was inconceivable that the imperfect and partial adoption of the ten hours' system—for such



the noble Lord himself admitted it to have been—should, in the course of a year and a half, have turned all these great sinners into comparative saints, and wrought such an enormous change in the feelings and habits of the people employed in factories in so short a period of time. He thought the noble Lord's speech was on the whole marked by what might be called a socialist and sentimental tone. It was not a speech suited to the character of that assembly—which was a business and practical assembly, alive, of course, to whatever bore on the physical and moral welfare of the bulk of the population, but not to be addressed in those sentimental and impassioned appeals, and with a tissue of representations which, he was certain, the noble Lord himself would, on calmer reflection, feel to have been exaggerated. Not having the details of the noble Lord's measure before him, without saying that the law ought to remain as it stood at present, he should reserve to himself the right of offering any opposition which might seem to him desirable on the second reading.

MR. O'CONNOR wondered how the right hon. Gentleman who had just sat down could reconcile his speech with the Motion of which he had given notice for next Thursday, as to the best means of instructing the working classes of this country. When the right hon. Gentleman the Home Secretary spoke of being afraid of creating "an antagonism," it was pretty evident that the antagonism the right hon. Gentleman was afraid of was losing the support of the hon. Gentlemen who sat behind him, who lived upon the labour of the poor and unprotected factory infants. The right hon. Member for Manchester had charged the noble Lord the Member for Bath with making a lax speech; but the right hon. Member must have discovered that he himself was standing on a weak crutch in that respect, after the very limping and incoherent speech he had made. All that he (Mr. O'Connor) asked was, that the House should put its own construction on the Act in question, and so promote the amelioration of the people. When they talked of the ignorance of the working classes, they must surely be aware that it was caused by the tyranny of the manufacturers. He denied that it was intended by this Bill to limit adult labour to ten hours a day. There was nothing of the kind in the noble Lord's Bill; but he (Mr. O'Connor) contended that it was only right and just that this should be done.

The manufacturers had taunted the landed proprietors with harshness and indifference towards the agricultural labourers, but they were never called upon to work more than eleven hours a day; but in the manufacturing districts the workmen were often engaged sixteen hours a day, and they at other times were employed only three days in a week, and had to pay the same rent for their holdings as if they had six days' work. A labourer in the manufacturing districts was worn out as much at the age of twenty-eight as an agricultural labourer was in Dorsetshire at fifty-three. They stood in the same relative situation towards each other as a race horse and an agricultural horse did; the former was worn out at five years of age, while the latter lasted twenty years. If the manufacturers had a spark of humanity, they would not allow the persons labouring for them to remain in their present condition. Was it not the common case now, that a mother, on hearing the factory bell, was obliged to take her child from her breast and throw it to a stranger to take care of, while she rushed off to her labour in the factory to get a bit of bread? The representatives of the manufacturing districts knew that the Government were dependent on them when they were in a fix, so that their power was very great in that House; but still when they went down to the manufacturing districts, what apologies would they make to the great bulk of the inhabitants for the votes they would give on this subject? He was sure no one would be against the measure of the noble Lord who would not be branded hereafter as an enemy to his fellow-creatures. People talked about the condition of the agricultural labourers, and of the way in which they were treated by their employers! Why, let them look at a Dorsetshire labourer, and compare him with a manufacturing operative from Lancashire or Yorkshire; the one was as decrepit, old, and worn out at twenty-eight as the other was at fifty-three. Let them see this, and compare the factory children with the healthy, stalwart little fellows in the agricultural districts—and he asked whether they must not admit that the factory system of this country was an abomination, and reflected dishonour and disgrace upon the legislation of this country? There was a man who had done more than any other person in this country for the operative classes, and whom the noble Lord the Prime Minister had had the audacity and impertinence—[Cries of "Chair!" and "Order!"]

—he repeated it, for it was no more audacious for him (Mr. O'Connor) to do so than for the noble Lord to have charged the philanthropist to whom he alluded—Mr. Richard Oastler—with all but treason and rebellion, on account of his unexampled efforts on behalf of the labouring classes. If there were to be any investigation of this matter, that gentleman could give the House a true and fair account of the factory children. If he were asked to place his hand upon the men who lived exclusively upon the sinews, marrow, bones, and blood of women and children, if he could group them all in one lump, he would put his hand upon the master manufacturers of this country. He would only add, in conclusion, if there were ever a body of tyrants which existed in any country, it was the manufacturers of England.

SIR R. H. INGLIS said, the right hon. Gentleman the Member for Manchester had accused his noble Friend who had brought forward this measure of yielding too much to his enthusiastic zeal. In the first place, he (Sir R. Inglis) believed that nothing good had ever been effected in this world except by those whom many of their contemporaries had called enthusiasts. That great work, the Reformation, by Luther and his compeers, was called an act of enthusiasm, and so it had ever been with any great work, and it was to the credit of the noble Lord that his exertions had been so designated by the right hon. Member for Manchester. The speech of his noble Friend was, however, as little open to the charge as any he had ever heard, as it was a speech filled with facts. Was it enthusiasm to state as a fact that, since the introduction of the measure three years since, fifty-nine night schools had been opened in Leeds for the young persons engaged in the day-time in the factories? Was this an instance of the imaginative feeling of his noble Friend? Was it also a piece of imagination to refer to the fact, that since that time there had been such an increase in the amount of deposits in the savings banks? The right hon. Gentleman might say it was not *post hoc, ergo propter hoc* in this case; but if he urged that those improvements were not to be attributed to the operation of the Factory Act, it was for the right hon. Gentleman to assign another cause. He (Sir R. Inglis) would ask whether, if wheat had been at 80s. the quarter, it would have altered the fact as to the situation of these schools? It was suggested that those subjects for congratu-

lation might not have resulted from the Ten Hours Bill; at any rate, the people had done in the course of the last two years and a half what they had not done before; and he contended that a great deal at all events of the observable improvement in the labouring classes depended not upon the cheapness of articles and the free-trade tenets of the Manchester school, but on the use which they had made of the leisure secured to them. They were all agreed happily upon this one point, that the state of the law was uncertain, and that the measure of the noble Lord must be introduced. [An Hon. MEMBER: The law is not at all uncertain.] He retracted the expression as to the uncertainty of the law; but he would maintain that there never was a decision of a court of law, however well-founded it might be as to the mere verbal construction of the statute, which had been more unexpected, or which was more contrary to the intentions of the framers of the Act. Under these circumstances—having endeavoured to state to the House that his noble Friend, eminent, as he was, and had always been, for his untiring energy and zeal, and for the devotion of his great and high talents to high and holy purposes—had never condescended to use for the accomplishment of his objects anything but a direct appeal to stern facts—having so far defended his noble Friend, he would not further trespass on the time of the House except to express a hope that the hon. Member for Manchester, who he saw was about to address the House, would imitate the enthusiasm for good which had distinguished his noble Friend throughout the whole course of his life.

MR. BRIGHT said, that all must admit that the Bill proposed to be brought in was intended to settle what was in some degree an unsatisfactory state of the law. He had not risen for the purpose of entering into the main question, but rather to express an opinion, which he was anxious to do at that early stage of the discussion, on a point which he thought of quite as much importance as the question of the particular words to be introduced into the Bill, or the exact time during which factories were to be permitted to work. He was, as the House knew, connected in business with concerns which came under the operation of the Factory Act; and of one thing he was most thoroughly convinced, namely, that for the beneficial working of any factory legislation, it was of the first importance that it should pass

that House and become law, with a fair amount of concurrence on the part of the employers as well as of the employed. One of the great faults of the Ten Hours Bill was that it had not had that concurrence on the part of the employing class; and, without entering into any discussion as to the hours, he would merely state that from his own experience and observation, he could assure the House that the working classes did not gain as much by the concession of half an hour, or even of an hour, in the time of working, as they would gain by the operation of a law which was received by the employers as a fair law, and which the employers generally were willing to carry out in a fair spirit. He had known many cases himself, and, if he were at liberty to state details, he could convince the House that there were many cases in which the working people in many concerns had been placed under disadvantages which they would not otherwise have suffered if this law had not been carried to that extreme length which created hostile feelings on the part of the capitalist classes, and induced them to abstain (and there were cases in which they did abstain) from entering into a system of co-operation with the working people, which would be beneficial to them, and which would have taken place if the estrangement which had arisen out of the law had not existed. He was not about to say a word about the Ten Hours Bill; but he merely made an appeal to the noble Lord the Member for Bath, who knew full well the importance of this suggestion. The noble Lord was not bound down to the doctrine which had been inculcated by the Ten Hours Bill, and was not indisposed to take a course which might bring about a settlement of this question different from that which was contained in the Bill which was laid before them that night. He (Mr. Bright) had been led to believe that not a small portion of the working classes, and a very large portion of the employing classes, were willing to approach the question with a more moderate disposition than that which they formerly entertained; and if Gentlemen opposite were sincerely anxious that the working people should receive the greatest amount of good out of such legislation, they should endeavour, in some degree, to meet the views of those large employers of labour, without whose co-operation and concurrence it was quite impossible that this question could be finally and satisfactorily settled. He should

not now make any reply to the coarse vituperation of the hon. Gentleman the Member for Nottingham. That hon. Gentleman had tried his hand at bettering the condition of the factory labourers, and had invited them from the districts where they were well employed and well paid, and had allured them on to his lands, and then had left them in a quagmire of misery and despair. And when the hon. Gentleman returned to those operatives the contributions which he had induced them to lay out in his most foolish scheme, then he would have more reason to stand on the floor of that House to advocate the cause of those who worked in the factories. He (Mr. Bright) would only state that the cause which he advocated with regard to this question, and those who advocated it, could receive no injury whatever from any calumnies that might come from the hon. Member. The hon. Baronet the Member for the University of Oxford, as might be expected, had spoken in a very different spirit. He joined the hon. Baronet in thinking that the term enthusiast had been often applied to some who were engaged in noble and generous pursuits; but yet it did not follow from that that all those who were enthusiasts were engaged in noble pursuits. The noble Lord made a speech in which he pictured the condition of the manufacturing districts. He (Mr. Bright) admitted that the necessary consequence of reducing the hours of labour in the manufacturing districts was, that beneficial results in some directions would follow. The noble Lord made speeches some years ago of a very different complexion. At that time he spoke as if he were the hired advocate—when he used the words “hired advocate” he hoped that the noble Lord would not misunderstand him—he meant to say that he appeared as if he were the pledged advocate of those who were anxious to paint, in the blackest colours, the condition of the manufacturing districts. But on the present occasion he had spoken as if he were engaged on the other side, and as if his object was to paint an entirely different picture. The noble Lord attributed the whole of the improvement which had taken place to the passing of the Ten Hours Bill of 1847. If so, it was surely a most extraordinary fact, that under the operation of the Twelve Hours Bill the demoralisation and degradation of the operatives should have reached such an extreme point that it was necessary for Parliament to interfere, and that the mo-

ment the Ten Hours Bill came into operation in May, 1848— [Lord ASHLEY: The Eleven Hours Bill was in operation in 1847.] Yes; but the noble Lord must be aware that during 1847 the factories in Lancashire were not employed more than eight hours a day, owing to the failure of the cotton crop. The Ten Hours Bill, as he had said, did not come into operation until the month of May, 1848; and surely it was enthusiasm, after all, to suppose that that demoralised and degraded people, the moment the Ten Hours Bill passed, should be full of anxiety for schools, and books, and savings banks, and all sorts of improvements. The noble Lord had proved a great deal too much. Let him look back to the year 1841, when the right hon. Baronet the Member for Tamworth came into office. The manufacturing districts were then in deep distress, and hon. Gentlemen opposite refused almost to credit the heartrending details of the sufferings of the people. After the good harvest of 1842, some improvement was visible; and in 1843, 1844, and 1845, a great change took place, and it was observable that the chapels and the schools were much better attended. That improvement arose from causes which could not be traced to any Factory Act; and whether the Act of 1847 had passed or not, and other changes had taken place which did take place, the improved condition of the people would have been hardly distinguishable from that which existed at the present moment. He thought that a proposition on the question introduced by the noble Lord should have come before the House in some shape or other, and for this reason, that under the present system the adult men had some ground of complaint, inasmuch as the margin of from half-past five o'clock, A.M., to half-past eight o'clock, P.M., showed that a man may be induced, if not forced, to work more than twelve—aye, more than thirteen hours per day. Under the restrictions which had been fixed on labour, the employers were disposed, perhaps, to go a little further than they were inclined before this legislation had taken place. Mills had been worked under the system of relays, and the men were worked the whole of the time while the mills were at work. The condition of these men was, therefore, worse than it was before this Act was passed, when they were never asked to work more than twelve hours. Under these severe restrictions relays were introduced, and adults were

worked more than twelve hours. He should be sorry that a practice should arise from any cause whatever which would compel men to work more than twelve or thirteen hours per day. He did not wish to speak further on the subject of the Bill, but he asked the House to come to the consideration of the subject in a spirit different from that which actuated them in their discussion of the question in 1847. Let them not see that hostility exhibited by Gentlemen on the other side of the House against the manufacturers on his (Mr. Bright's) side of the House. It was his opinion that there could not be a final and satisfactory conclusion arrived at unless there was a fair amount of agreement between the capitalists who paid the wages and the labourers who found the labour. He would now ask the noble Lord the Member for Bath whether, with the influence which he possessed out of doors, representing as he did a large number of persons on this question, not a few of whom were willing to take a fair and a broad view of the question, it would not be possible to come to some arrangement which would meet with the concurrence of the rational of all parties? The hon. Gentleman concluded by observing that it was for the purpose of bringing about this feeling and this mode of settlement that he made this appeal to the noble Lord and to the House.

MR. AGLIONBY said, if a stranger to that House had been present on that occasion, he must be surprised, when there was no objection to the introduction of the Bill, that the debate should not have ended with the speech of the noble Lord who brought forward the question, and with the observations of the right hon. the Secretary for the Home Department. As there was very important business on the Paper, he would not trouble the House with more than a very few remarks. The right hon. Member for Manchester said this question should be treated as a matter of business, and not as a mere question of humanity. In this opinion he (Mr. Aglionby) perfectly agreed. He also agreed with the hon. Member who spoke last, in professing a hope there would be some degree of harmony and good feeling prevailing in carrying out this measure respecting the factory system; but he could not agree with him in his appeal to the noble Lord to abandon the limit of time for labour which he had proposed in his Bill. The hon. Member intimated that the manufac-



urers were prepared for a compromise, if instead of ten hours the noble Lord substituted eleven hours, eleven and a half hours, or twelve hours, but he did not distinctly say which. If this was persisted in, he (Mr. Aglionby) had no hesitation in saying that all attempts would fail to promote that feeling of harmony which the hon. Member wished to carry out. It was not in human nature, when they had been struggling for years to attain this great end, and for which purpose the noble Lord had been the honest, able, and generous advocate, that these persons shall agree, in consequence of a mistake of the Legislature, to have an advantage taken of them, and that they should consent, from a mere quibble of the law, to the getting rid of that which they had obtained with so much exertion. He believed a most bitter feeling would arise if any such attempt was made, and he warned the hon. Member for Manchester that he could not expect to be successful. From inquiries made of many persons of practical experience, he could say the operation of the last Factory Act had been most successful and beneficial as regarded all the labouring classes who were affected by it. It was the duty of the House of Commons at once to say that it would not allow an error in their legislation to be taken advantage of in the way suggested. He did not charge the millowners with evading the law, for a legal construction had been put upon it by the proper tribunal, and, therefore, they were justified in carrying it out.

LORD J. MANNERS thought it right, after the speeches of the hon. Member for Manchester, and the right hon. Gentleman the Secretary of State for the Home Department, to express his own determination, and the determination of those who had supported the Ten Hours Act, not to accept any compromise on this question. He announced this intention without the least heat of temper, or the least desire to create that estrangement between the employers and the employed to which the hon. Member for Manchester had alluded. It was his object, in avowing that determination, to prevent this estrangement, and, therefore, he thought it best to assert at once that the working people of Yorkshire and Lancashire—of Scotland, and of the north of Ireland—having obtained, after a struggle of thirty-three years, that which they justly called the Magna Charta of the people, would not abate one tittle of *their claim*, in the enforcement of which

they would be backed by those in the House who felt its justice. He did not intend to enter into the controversy which had sprung up between the hon. Member for Nottingham and the hon. Member for Manchester; but he could not permit the observations of the latter hon. Member, as far as they concerned the noble Lord who had introduced the subject, to go forth unnoticed. The hon. Member had alleged that the noble Lord had suffered his enthusiasm to carry him away, and to attribute to the Bill of 1847 the benefits which were attributable to the course of commercial policy pursued by the House. The noble Lord had come to no such conclusion. His conclusions were drawn from the testimony of those who had furnished him with the statistical information on which he had grounded his statement. It might be that the inspectors of factories, the secretaries of savings banks, and the hardworking clergy, were sentimental enthusiasts; but these were the gentlemen whose character and veracity were not impugned, who had furnished that statistical information on which the noble Lord relied, and whose conclusions the noble Lord had quoted. The hon. Member for Manchester considered that the evils resulting from the shift and relay system, arose from a want of consideration of the question on the part of the House. “Want of consideration!” when the question had been debated in that House, and by the country, for a period of thirty-three years. “Want of consideration!” when it was admitted by the Secretary of State for the Home Department that the flaw in the Act of 1847 arose not from a want, but from a surplusage, of consideration, and that it was on the Bill being withdrawn, and another substituted, the error crept in. They were all agreed that some measure was necessary, and he would defer the observations he was anxious to make until some real opposition were shown to the Bill. Hon. Members on his side of the House would then have an opportunity of vindicating the course which the Legislature had pursued, and of showing that when Her Majesty accepted the affecting testimonial of a grateful and a loyal people, She accepted it from a people fully sensible of the benefits which the Legislature had secured to them, and resolutely determined to maintain them.

MR. W. J. FOX perfectly agreed with the hon. Member for Manchester, that a satisfactory settlement of this question

must have the concurrence of the employer and the employed ; but not only was there the difficulty that arose from the determined pursuit of a certain object, against any compromise which should affect the ten hours, there was also this difficulty, that no plan was so likely to meet the views of all parties, as a realisation of the scheme which had been believed to exist, which certainly did exist in the generally understood intentions of the Legislature, and which had the concurrence of so large a proportion of those by whom the operatives were employed. He thought that those who resorted to the shift system were an exception to the rule. The inspectors had taken the opinions of masters and operatives on the different suggestions which had been made. Mr. Inspector Horner had taken the opinions of upwards of fifty masters. He found that twenty of them preferred ten hours, twenty-two preferred eleven hours, and fifteen preferred twelve hours. The same inspector had taken the opinions of men and women employed in the factories. The total number consulted was 1,153 ; the number of men was 651. Of these 651 male operatives, 441 were for the ten hours system, 96 for the eleven hours, and 114 for the twelve hours. Of 502 women, 272 were for ten hours, 51 for eleven hours, and 179 for twelve hours. So that the greater number of males and females, if they were to lose the benefits of the ten-hour system, even preferred twelve to eleven hours. He also coincided in the opinion of the hon. Member for Manchester as to the cause of the present state of things in the manufacturing districts. He did not regard the ten hours as the cause of the present prosperity ; he ascribed it to those measures which had made food more cheap and more abundant ; but he would remind the hon. Member at the same time that the change would not have produced the result which had been described, had it not been accompanied by the other, and that no cheapness of food could alone have given to the operatives the improvements of education and character, of which they had not been neglectful. He trusted that the noble Lord who had introduced this discussion would adhere most strictly to his terms of not deviating one hair's breadth from what had been understood to be the design of the enactment of the law as it now existed. There was some suggestion of relays, as distinguished from shifts. He could not

understand how that plan would operate. He understood the distinction of relays from shifts to be that relays having filled the hours of continuous labour, were dismissed, and gave the labour to others. The employment on the shift system was to make a small number of persons work longer, by employing them in gangs and parties ; but if you introduced two sets at different times of beginning and leaving, it was obvious that the millowner would gain nothing, and must have fewer hands. He thought, then, that it was as well to leave the Bill in its present integrity. As to the purpose, which was most distinctly declared by a late Member of the House who introduced the Bill on the last occasion, the opening sentence of his speech was that he meant to restrict women and young persons to twelve hours a day ; and within that time to have their meals. The parties most deeply affected were the women and young persons, who, in their dependent condition, were sometimes the objects of harsh treatment, not only by their masters, but also in their own households. Instances had been known in which men had sent their wives and children to the factory, and had betaken themselves to the beer shop. It was an evil against which this Bill provided, and it had been well said, that in cases of children, and in many cases of women, "freedom of contract meant nothing more than freedom of coercion." The benefits which had resulted from this Bill, he was glad to find, were so numerous as to endear the measure to the mass of the people. Having tasted of these benefits, they would surely not be induced easily to relinquish them, and he trusted that the law being distinctly declared, there would be a more general concurrence than existed in the minds of the masters, and a close of that agitation, the continuance of which was to be ever deprecated ; an agitation which was much worse than a political struggle, because it struck deeper into the social system, and inflicted more serious wounds on the interests of society.

LORD R. GROSVENOR said, it had been propounded that those who had detected the evil now denounced—and sought to apply a remedy—were Communists and Socialists. This was a somewhat portentous accusation, particularly at a time when Communism and Socialism seemed rife and near at hand—*paries cum proximus ardet*. But right hon. and hon. Gentlemen need not be alarmed. It was pre-

cisely those who, in the following of his noble Friend the Member for Bath aided the work which in this direction he had so long and so ably pursued, that were preventing Socialism and Communism from raising their heads in this country. As to the question whether the present state of things in the manufacturing districts had been produced by the Ten Hours Act, or by the recent legislation on other matters, at all events the operatives seemed to assign the improvement to the former cause. He regretted the fatal hesitation that had manifested itself in the speech of his right hon. Friend the Home Secretary, and could not understand what sort of compromise it was he could possibly invent with any idea of a good result.

SIR J. GRAHAM felt that he should fail in the respect due to the House if, after the appeal which had been made to him, he omitted to offer a few observations. As he understood, there was no opposition to the introduction of the Bill; and he was disposed to approach the question in the most dispassionate temper, and to give it his most deliberate consideration. His noble Friend the Member for Bath must excuse him if he said that he thought his noble Friend had himself provoked a discussion of a hostile character, when, before ascertaining whether or not there was to be any opposition to the Bill, he went through all the arguments which were used against the Ten Hours Bill three or four years ago, and proceeded to attempt to refute him with considerable eagerness and with some asperity. He had also been somewhat astonished at the speech of the hon. Gentleman who seconded the Motion, which seemed to hold out a threat that if the House came to a decision adverse to the wishes and expectations of the operatives, those operatives, who had, under the most trying circumstances, hitherto conducted themselves in a manner above all praise, would depart from the admirable course of conduct they had pursued, and would refuse to submit quietly to the decision of the House. The result of some political experience had long since warned him of the evil of dealing in prophecies as to the future, and he had accordingly religiously abstained from addressing anything of the sort to the House. He was now really beginning to be afraid, also, of making any assertions even with respect to the past; because, had he addressed the House before his right hon. Friend opposite addressed it, it had been

his intention to have given his evidence, as a witness, of what occurred when he brought the Factory Bill before the House in 1844; and he should have stated, unequivocally and distinctly, that his object in framing the measure, as introduced, was to prohibit absolutely and peremptorily the shift and relay system in any form whatever; and he should have said that such had been his invariable intention. He would state to the House, as far as his recollection served, what occurred on the occasion. He could not say that at any time, following the bent of his own reasoning on the subject, he was friendly to restrictions interfering with the rights of capital on the one hand, and of labour on the other; but finding, from the representations of Mr. Horner and the other factory inspectors, that the Twelve Hours Act, on account of the introduction of the system of shifts and relays, worked unequally and therefore unjustly, and that its salutary provisions were nugatory because easily evaded, he maturely considered the representations impressed upon him as to the necessity of a direct Act putting an end to the shift and relay system, and, reluctantly consenting to the measure, directed Mr. Horner to have a clause framed giving effect to the views which the inspectors entertained. Up to this point his recollection was distinct, and further, that such a clause was accordingly embodied in the Bill laid before the House. Certainly, until he heard the right hon. Gentleman's statement he was not aware that the shape which the clause bore in the first draught of the Bill had been materially altered in the second; but, as the right hon. Gentleman stated, a most important change had taken place, and having had no opportunity of communicating with any of the inspectors, he could not now state what were the circumstances which led to that important change. It was possible that he might have had interviews with master manufacturers, who might have remonstrated against the stringency of the clause, and that he might have consented to a modification; but his intentions had certainly remained unchanged. He had, however, had no opportunity of refreshing his recollection on the subject, but before the question again came before the House he would ascertain what the facts really were. He considered it most desirable that before the discussion proceeded further, and before hon. Gentlemen pledged themselves as to the course they intended

to take, they should see the measure of his noble Friend. He must say, that he thought, from the arguments of the noble Lord, that his Bill would be one of a very stringent description; for he understood his noble Friend's arguments to go the full length of requiring that by Act of Parliament the machinery should be prohibited from running for more than ten hours a day. That, he really believed, was the object desired by the operatives themselves, and was also the object which his noble Friend—if he could accomplish it—would consider most desirable for the social and moral welfare of the working classes engaged in manufactures. The noble Lord appeared to suppose, judging from his arguments, that the manufacturers had nothing to apprehend from such a measure. He (Sir J. Graham) did not wish to revive the old and angry discussions upon this point. It had been his misfortune to have taken much part in those discussions; they had brought him into collision with noble and hon. Friends whom he highly esteemed; but, from a sense of public duty, yielding to his reason, he had done violence to his feelings on this subject. He must say, that his reasons remained unchanged, and his feelings towards the working classes were unaltered—they were kind and warm as they ever had been; but he must assure the House that deliberation upon this subject, unshaken even by the experience of the last three years, led him to believe that if this experiment was carried out in all its consequences, and with its full stringency, the time would come when the working classes themselves would be convinced that the enactment was not conducive to their welfare; and he was satisfied that, in the end, it would also prove inconsistent with the prosperity of the manufacturing interests of this country. That was his deliberate conviction; but, at the same time, he looked upon this as a question of honour on the part of the Legislature. He had stated, he believed, that the original enactment of 1844 was intended to put an end to the shift and relay system. He agreed with the right hon. Member for Manchester that improvidently and hastily the provisions adapted to the Twelve Hours Bill were carried over to the Ten Hours Bill, working very different consequences; but he believed the working classes did understand that they were to have the full benefit of the arrangement with respect to the shift system. There

were, on the other hand, circumstances which must not be forgotten or overlooked by the House. The factory inspectors, whose duty it was to carry the Act into operation, came to very opposite conclusions among themselves as to the intention and legal effect of the clause. One of those inspectors, now no more, Mr. James Stuart, to whom was confided the superintendence of all the factories in Scotland and Ireland, permitted the relay system. No complaints were made from Scotland or Ireland, and he (Sir J. Graham) was not aware that any bad effects had been experienced. He might mention one very singular fact, showing the absolute necessity of uniformity if justice was to be done. He understood that in the foreign markets the Scotch manufacturers had had some advantage with respect to the price of their goods over the English manufacturers, clearly showing that the relay system, where it had been in full operation, had been of great benefit and assistance to the manufacturers, and that in close competition it was absolutely necessary that they should have one uniform system and rule. But he believed if his noble Friend wished to be strictly just, such was the stringency of the rule, and the certainty of the desire to evade it, that they would have no perfect equality unless they regulated the run of machinery; and the limitation of ten hours would be so violent and restrictive as to prove ruinous in its results. He had gone further than he intended into the question, and he would only say that he was most anxious to see the Bill of his noble Friend, and that he would approach its consideration in the most dispassionate temper, and see whether it was possible to give it his support. Before the second reading of the Bill, he would endeavour to refresh his memory as to what took place between the introduction of the first Bill of 1844 and the subsequent measure in which the change of language was said to have taken place. The right hon. Home Secretary had drawn a distinction between the shift and relay systems. It was quite possible to condemn the one and not to repudiate the other; and although he was aware that compromises were not regarded with much favour, he would remind the House of a saying of Mr. Burke—that, after all, the great art of government was an affair of constant compromise.

MR. H. EDWARDS wished to explain that he had had no intention of holding out



any threat. The words he had used were, he believed, that it was the intention of the men of Yorkshire and of Lancashire, by all constitutional means, so to press upon the Government the necessity of keeping faith with the promoters of the Act of 1847, for which they had struggled during a period of thirty years, that he conceived it would be impossible for the Government much longer to resist their demands.

COLONEL THOMPSON said, that when this question was first brought under discussion, he was opposed to it, considering it to be an attack on the manufacturing interest. Time had gone by, and perhaps the position of things had changed. He had received instructions from his constituents of various classes; the operative classes certainly; from various descriptions of manufacturing capitalists, and it did so happen that all these communications pointed one way. They all said they were anxious that the Ten Hours Bill should be restored to its integrity, and they particularly represented the interest they felt in that part which would give employment to all at the same time; for they said that they had set on foot institutions for education and improvement of various kinds, the carrying on successfully of which did depend mainly on the point, that all in their employ should be liberated at one and the same hour.

LORD ASHLEY, in reply, said that his only object in proposing this Bill was to settle the disputed question as to the continuity of labour. He proposed to enact what had been the received interpretation of the Act of Parliament upon which the factory inspectors had acted, confirmed by the opinion of the law officers of the Crown, that the period of labour for young persons, being limited to ten hours in the day, should be continuous hours, dating from the time when any child or young person began to work. His object was merely to render the Act of Parliament what it was supposed to be when it received the Royal Assent. He had not charged the great body of the master manufacturers with practising the shift and relay system. If he had done so, he would at once have destroyed his case, for it would then have followed that all the good results of which they had heard had been produced by that system. He was glad to say that the shift system had only been practised by a small minority of manufacturers. It had obtained no footing at all in the West Riding of Yorkshire, and among

the vast numbers of manufacturers in Lancashire there were only 200 firms that had adopted the relay system. He wished to take this opportunity of expressing his admiration at the manner in which a large body of the master millowners had received the Act of Parliament, had carried it into effect, had promoted its good working, and had declared their opinion of its results. He was most anxious to know what course the Home Secretary would take on this subject, for the present uncertainty led to much agitation and to most unfortunate heartburnings and hostility between the employers and their workmen. He declared most solemnly that, during the seventeen years of his pursuit of this measure, there was no one thing he had more sincerely desired than the restoration of harmony and good feeling between the employers and the employed. He was, therefore, most anxious that this Bill should not be held in abeyance. If it was read a first time to-night or to-morrow, he should be called upon to fix a day for the second reading, and although he was anxious to give hon. Gentlemen who opposed the measure fair time for its consideration, he was most desirous that the second reading should take place before Easter. The House might depend upon it that there never was a subject upon which the people felt so deeply, and which they would pursue with greater energy. They would devote everything they possessed—their very lives if necessary—to the attainment of their object. He must, therefore, ask the Government when this measure should be discussed, and he called upon them as conservators of the public peace to take care that the question was soon settled, or it would be the source of constant agitation. He wished to say one word before he sat down to the hon. Members for Manchester. If they chose to quarrel with his sentimentality they were perfectly justified in so doing, and he could find no fault with them; but when one of them charged him with being a hired advocate, and the other spoke of him as no better than a Socialist, he could only reply that he rejoiced in such a manifestation of the feebleness of their cause, which had led them to adopt the old and coarse rule—"If you cannot refute your antagonist, why then abuse him."

MR. BRIGHT, in explanation, wished to say that the words he had used were not intended in the sense understood by the noble Lord. The instant he found

they created a wrong impression, he retracted them, and used the words "pledged advocate" instead. He thought the noble Lord was attempting to take an unfair advantage by closing his speech with the observations he had made.

MR. W. BROWN was understood to say that he did not think a restriction of the hours of labour would work so advantageously for the operatives as they anticipated, and that he had no doubt they would eventually call upon Parliament to reverse its decision on the subject.

Leave given.

Bill ordered to be brought in by Lord Ashley, Lord John Manners, and Mr. Aglionby.

#### HIGHWAYS BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR W. JOLLIFFE objected to the measure, as putting the management of the highways under the direction of a body by no means the best qualified to conduct such matters economically and well, namely, the guardians of the union. Why not enact that the ratepayers, when electing a board of guardians, should also elect a separate board of waywardens? The hon. Gentleman the Under Secretary for the Home Department would perhaps consent to refer this question to a Select Committee. With all his anxiety for the amelioration of the existing system, he (Sir W. Jolliffe) would rather see legislation upon it postponed to another Session, than agree to such a measure as this, likely to work expensively and ill, and to have a demoralising tendency in regard to the employment of the poor.

MR. RICE supported the Bill, and hoped the second reading would not be opposed, and that objections to the details would be reserved until the Bill was in Committee.

SIR G. STRICKLAND did not believe the machinery proposed would work well, and thought it would be very hard that a new and expensive system should be forced upon the whole country, because in certain parts of the kingdom the roads were badly managed. He hoped the Bill would be put off to another Session, by which time it would be better understood throughout the country, and the opinions of competent judges of the proposed change could be had.

MR. HENLEY hoped, at all events, the Bill would be postponed till after Easter. Two years ago, the principle which it embodied had been objected to by that House—namely, that of a central controlling power in London; and a more inconvenient arrangement could not be easily conceived. The unions were formed for a different purpose, and would be found to vary most inconveniently in regard to size and otherwise. The guardians found their proper occupation heavy enough; and, in some parts of the country, the Bill would cast upon them work which would very much interfere with the due administration of the poor-law.

SIR J. PAKINGTON could not join in the proposal to postpone this Bill either until next Session, or until after Easter. For fifteen years the subject had been before the House. Every one acknowledged that something ought to be done, and yet, the moment a Bill was introduced, the Government were asked to postpone it until next year. He owned he regarded with some jealousy the proposal to make the boards of guardians discharge the duties of waywardens, which were in many respects extraneous to their proper functions, and to some degree inconsistent with them. As a friend to the new poor-law, he was anxious not to see any addition made to the duties of the guardians which might interfere with the efficient working of that measure. Could not the Government avail themselves of the existing machinery, and have a double election every year for guardians and waywardens? The same body of ratepayers might vote, and the same persons might be elected, if they pleased to serve both offices, but let them be a distinct body. This, however, was a matter that might be discussed in Committee, and meanwhile he would support the second reading.

MR. R. C. HILDYARD thought there were grave objections to placing the control of the expenditure at the discretion of boards of guardians, who would often be tempted to repair the highways on a profligate system for the purpose of finding employment for their surplus labour. He trusted the Government would postpone the Bill so as to allow hon. Members the opportunity of discussing the details with their country constituents at the Easter quarter-sessions.

MR. AGLIONBY recommended the Government to press the second reading, after the ample opportunities which the

House and the country had already enjoyed of discussing this subject.

CAPTAIN HARRIS said, considering the objections that had been made to the principle of the Bill by the right hon. Member for Tamworth, and other hon. Members, on a former occasion, he thought it might be postponed without injury to the country. It was obviously unjust to press it on the House at that moment, as none of the country Members were present; indeed, none of them believed it would come on until after Easter. He doubted whether boards of guardians would be able to find a committee; while, if they could not, the highways would be neglected.

MR. C. LEWIS would have been willing to entertain the proposal to postpone the Bill if the subject were now brought before Parliament for the first time; but, as the subject had been repeatedly considered in that House, had been referred to Select Committees, and brought under the notice of Gentlemen at quarter-sessions, he thought that no advantage could arise from any further postponement of the Bill. He had reason to believe that the general principle of this Bill, namely, the formation of districts of parishes for the maintenance of highways, and the appointment of a paid surveyor, had met with general concurrence. He also believed it was generally felt that the appointment of a paid surveyor would conduce to real economy instead of leading to a larger expenditure. Whether the board of guardians were the fittest body to have the management of the highways, was a question which might be fairly discussed in Committee. For himself, he had doubts whether a separate body of elected waywardens would be very different from the board of guardians. Substantially the two systems would be found in their results to be the same. If the House would agree to the second reading now, he would fix the Committee for some day after Easter, in order that hon. Members might have the opportunity of discussing the details of the Bill with their constituents during the Easter recess.

MR. HODGSON said, the magistrates upon the grand jury in Cumberland were unanimously opposed to this Bill. He moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the word "upon this day six months."

COLONEL SIBTHORP Motion.

MR. CARDWELL wished to know whether districts where the law was now administered under a Bill of Parliament, would be included in the present measure?

MR. C. LEWIS replied, that he intended that this Bill should apply to districts which at present are surveyed under local Acts.

VISCOUNT EMLYN hoped that the hon. Member would not proceed. He was sure it would produce a good effect, as there seemed a general favour of the Bill.

SIR G. STRICKLAND thought it fair that a sweeping and general Bill should be introduced, because some districts were bad, and it would be to very great expense for the Government to amend them.

SIR G. GREY said, the object of the board of guardians was to discharge the duties of the surveyors under this Bill, with the exception of the district surveyor, who, it was said on all sides, ought to be appointed by the local authorities. It had been said about the roads in the north of England, but the fact was, that in the north of the country, a very general system prevailed that a general system ought to be introduced. The House would consent to the second reading of the Bill on the 1st of May, that is, a day after Easter, for the Committee.

MR. P. BENNET objected to the introduction of 650 new officers into the country, as the salaries would be a heavy burthen upon the distressed agriculturists. He should therefore support the motion.

MR. FREWEN said, that the object of the Bill was, that a new system was to be introduced, entirely different from the existing system in parts of the country where the roads were administered by the boards of guardians. He also objected to putting the boards of guardians in charge of the roads. In the present system, the roads had been managed by a board of thirty-two members, and it was believed that it was not uncommon for the surveyors to have more than some twenty or thirty roads under their management. He objected to the Bill, in

because he thought it would lead to considerable jobbing.

MR. DEEDES said, that as he believed the Bill might be rendered much less objectionable in Committee, he should vote for the second reading. He would feel strongly opposed to any Bill that referred merely to a part of the country. He intended in Committee objecting to giving the power to the board of guardians collectively, but he thought that if it were made compulsory on the guardians to elect a committee of their body for the purpose of carrying out the provisions of the Bill, much of the difficulty which he saw to the Bill would be removed.

SIR W. JOLLIFFE said, the principle of the Bill, as described, was the dividing of the country into districts, and appointing skilled officers over each. To that principle he would give his cordial assent, but on looking into the Bill he found the principle of it to be the mixing up of the highways with the poor-law—one of the greatest disadvantages that could possibly take place. He should therefore feel bound to vote against the second reading.

MR. ADDERLEY said, he had served on the Committee on this Bill two years ago; and he recollected that the great difficulty felt by the Committee when they tried to form separate boards of waywardens was, that such boards would become in most, if not in all, instances identical with the boards of guardians. As the principle of the Bill was the extension of the districts, and the appointment of adequate surveyors—a principle that the House had concurred in for the last fifteen years—he thought it would be a very strange proceeding to oppose the second reading of the Bill on points of detail, which should more properly be considered in Committee.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 144, Noes 55: Majority 89.

#### *List of the AYES.*

Adderley, C. B.	Bernal, R.
Aglionby, H. A.	Bouverie, hon. E. P.
Anstey, T. C.	Bowles, Adm.
Arkwright, G.	Boyle, hon. Col.
Armstrong, R. B.	Bramston, T. W.
Arundel and Surrey, Earl of	Brocklehurst, J.
Bagshaw, J.	Brockman, E. D.
Bailey, J.	Brotherton, J.
Baines, rt. hon. M. T.	Brown, W.
Baring, rt. hon. Sir F. T.	Buxton, Sir E. N.
Bass, M. T.	Cardwell, E.
	Carew, W. H. P.

Carter, J. B.	Moffatt, G.
Cavendish, hon. G. H.	Monsell, W.
Christy, S.	Morris, D.
Clay, J.	Mulgrave, Earl of
Clerk, rt. hon. Sir G.	Mundy, W.
Clive, H. B.	Muntz, G. F.
Cobden, R.	Mure, Col.
Cocks, T. S.	Norreys, Lord
Compton, H. C.	Ogle, S. C. H.
Cowan, C.	Pakington, Sir J.
Cowper, hon. W. F.	Palmer, R.
Deedes, W.	Parker, J.
Denison, E.	Patten, J. W.
Douglas, Sir C. E.	Peel, F.
Duckworth, Sir J. T. B.	Pelham, hon. D. A.
Duncombe, hon. O.	Perfect, R.
Duncuft, J.	Plowden, W. H. C.
Dundas, Adm.	Power, Dr.
Dundas, rt. hon. Sir D.	Power, N.
Ebrington, Visct.	Pusey, P.
Ellis, J.	Rawdon, Col.
Elliot, hon. J. E.	Reynolds, J.
Emlyn, Visct.	Ricardo, J. L.
Ferguson, Sir R. A.	Ricardo, O.
Foley, J. H. H.	Rice, E. R.
Forster, M.	Rich, H.
Fortescue, hon. J. W.	Romilly, Col.
Glyn, G. C.	Romilly, Sir J.
Goulburn, rt. hon. H.	Rushout, Capt.
Greenall, G.	Sandars, G.
Greene, J.	Scholefield, W.
Grenfell, C. W.	Seymer, H. K.
Grey, rt. hon. Sir G.	Seymour, Lord
Grosvenor, Lord R.	Sheridan, R. B.
Hardcastle, J. A.	Simeon, J.
Harris, R.	Smith, J. A.
Hatchell, J.	Smith, J. B.
Hawes, B.	Smollett, A.
Heneage, G. H. W.	Somerville, rt. hn. Sir W.
Henry, A.	Spearman, H. J.
Herbert, rt. hon. S.	Stanley, hon. E. H.
Heywood, J.	Stansfield, W. R. C.
Heyworth, L.	Tenison, E. K.
Hobhouse, rt. hon. Sir J.	Tennent, R. J.
Hobhouse, T. B.	Thesiger, Sir F.
Hollond, R.	Thicknesse, R. A.
Howard, P. H.	Thompson, Col.
Howard, Sir R.	Thornely, T.
Jackson, W.	Walmsley, Sir J.
Jermyn, Earl	Walpole, S. H.
Jervis, Sir J.	Westhead, J. P. B.
Keating, R.	Willcox, B. M.
Kershaw, J.	Williams, J.
Lagh, G. C.	Williamson, Sir H.
Lennard, T. B.	Wilson, J.
Locke, J.	Wilson, M.
Lygon, hon. Gen.	Wood, W. P.
Martin, C. W.	Wortley, rt. hon. J. S.
Masterman, J.	Wyvill, M.
Matheson, Col.	
Maule, rt. hon. F.	TELLERS.
Mitchell, T. A.	Lewis, G. C.
	Hayter, W. G.

#### *List of the NOES.*

Bennet, P.	Dodd, G.
Blackall, S. W.	Edwards, H.
Bremridge, R.	Farnham, E. B.
Broadley, H.	Farrer, J.
Chaplin, W. J.	Fellowes, E.
Chatterton, Col.	Filmer, Sir E.
Chichester, Lord J. L.	Floyer, J.
Coles, H. B.	Forbes W.



Frewen, C. H.  
 Gaskell, J. M.  
 Goddard, A. L.  
 Grogan, E.  
 Guernsey, Lord  
 Gwyn, H.  
 Halsey, T. P.  
 Hamilton, G. A.  
 Harris, hon. Capt.  
 Heathcoat, J.  
 Henley, J. W.  
 Hildyard, R. C.  
 Hildyard, T. B. T.  
 Hood, Sir A.  
 Hornby, J.  
 Hudson, G.  
 Inglis, Sir R. H.  
 Jolliffe, Sir W. G. H.  
 Lennox, Lord A. G.  
 Lewisham, Visct.  
 Lindsay, hon. Col.

Lockhart, W.  
 Long, W.  
 Mackenzie, W. F.  
 Manners, Lord G.  
 Miles, P. W. S.  
 Mullings, J. R.  
 Naas, Lord  
 Newdegate, C. N.  
 Portal, M.  
 Sibthorp, Col.  
 Smyth, J. G.  
 Spooner, R.  
 Stanford, J. F.  
 Stanley, E.  
 Sullivan, M.  
 Vesey, hon. T.  
 Waddington, H. S.

## TELLERS.

Strickland, Sir G.  
 Hodgson, W. N.

Main Question put, and agreed to.

Bill read 2<sup>o</sup>, and committed for Thursday, 11th April.

## CHIEF JUSTICES' SALARIES BILL.

Order for Second Reading read.

MR. GOULBURN wished to know from the Attorney General whether he included in the reduction of the salary of the Chief Justice any alteration of the retiring allowances?

The ATTORNEY GENERAL said, that might be a question for consideration in Committee. The present Bill did not propose to diminish the retiring allowance of the Judges. A maximum was fixed by Act of Parliament, but the Treasury was not bound to give the maximum.

MR. MULLINGS thought this Bill ought not to be proceeded with until a return which he had given notice of his intention to move for, of the appointment of officers of courts of justice, and the salaries attendant upon them, had been made. He was of this opinion, because the salary in some measure depended upon the patronage and the emolument of the officers appointed by the chief justices. Nothing was said in the Bill about retiring pensions, and it appeared to him essential that there should be some provisions in the Bill stating what the retiring pensions should be. The very principle of the Bill was involved in the amount of the retiring pension coupled with the patronage. He gave the hon. and learned Gentleman fair notice that, considering the state of the country and the circumstances of the times, he meant to propose a reduction in the salary of 8,000*l.* a year which it was intended to give to the chief justices. He believed the salary of the Secretary of State for the

Home Department was 5,000*l.* a year; and he believed that the labours and the responsibility of the chief justices were not equal to the labour and responsibility of the Secretary for the Home Department. He was not disposed to underrate the learning and the talent of the chief justices; but the time had arrived when stern necessity called upon them to cut down those salaries—salaries that were more than sufficient to secure the performance of the duties attached to the different offices. He had been for the last two quarter-sessions in Gloucestershire sitting upon committees of magistrates, to consider what reductions might be made. They had reduced the salaries of the officers there, and he gave them a pledge that when he came back to the House, he would pursue the same practice. It was in pursuance of that pledge that he voted the other night on the Motion of the hon. Member for the West Riding; and he should, whenever occasion offered, always support economy.

MR. ROUNDELL PALMER said, that as he belonged to a branch of the profession from which chief justices were not usually selected, he might speak as a person not partial on this subject. He thought it was above all things to be deplored if the House should go too fast in the direction of the reduction of judicial salaries. Nothing was of greater importance to the wellbeing of the country than that justice should be administered by men of learning and impartiality, such as they had seen occupying the bench, and that could not be done unless they gave them salaries such as would command men who by their experience and practice were at the head of their profession, and had attained a competent degree of public confidence and respect to fill these situations. When the hon. Member for Cirencester asked why the Chief Justice was to be paid 8,000*l.*, whilst the Home Secretary of State received but 5,000*l.*, he forgot that the Home Secretary was not taken from a class of persons who made an income by their professional exertions to support themselves and their families, and which, upon the acceptance of that office, they were obliged to give up. It was indeed of the highest importance to the Government that the Secretary of State should not be taken from a class of persons dependent upon the emoluments of the office. But they could not expect great lawyers to be found in other way than by persons choosing that profession and attaining eminence

in it as a means of supporting themselves and their families; and if they took men earning their 8,000*l.*, 9,000*l.*, or 10,000*l.* a year to fill these important situations, it was absolutely necessary to give them great salaries. In the United States, where the salaries of the judges were small, it was notorious that they could not get the best men to accept the office, or, when accepted, to retain it; and it was not uncommon for a judge to descend from the bench to a subordinate office in his own court, the salary of which was higher. He therefore implored the House not to travel too fast in that direction, for he was convinced it was the most false, ruinous, and unconstitutional economy that could possibly be adopted.

MR. SPOONER would remind the hon. and learned Gentleman, that if he were not of that branch of the profession from which chief justices were usually selected, he did belong to that branch from which lord chancellors were taken; and if he (Mr. Spooner) could form an accurate judgment of the hon. and learned Gentleman's talents from what they had seen in that House, he bade very fair, some time or other, to occupy the woolsack, and the vote come to now would necessarily involve the consideration of all other judicial salaries. Lord Denman had been Chief Justice seventeen years, and would the House say that what was a competent salary seventeen years ago, was not too much now? Another reason for postponing the Bill was that they might know the result of the Motion of which the hon. Member for Oxfordshire had given notice as to the salaries of public officers.

SIR G. GREY said, it was not very encouraging to bring in a Bill for the reduction of salaries if they were to meet with such opposition as was now offered to the second reading of this Bill. At present the salary of the Chief Justice, as fixed by Parliament, was 10,000*l.* It was proposed that it should be immediately reduced to 8,000*l.*; but if this Bill were abandoned, the effect would be that the Chief Justice would have a right to draw for 10,000*l.* The proper time for discussing the amount was in Committee, but by agreeing to the second reading they sanctioned the principle that the salary of the Chief Justice should be reduced.

COLONEL SIBTHORP said, reduction ought to take place, not only in the salaries of the Judges, but of those on the Treasury benches. They had too much,

they were too fat, too well fed, and therefore they were useless. He suggested that the Bill should be postponed until the Chancellor of the Exchequer had made his financial statement.

Bill read 2<sup>o</sup>.

#### PROCESS AND PRACTICE (IRELAND) BILL.

The House went into Committee on this Bill.

Clauses from 12 to 35 inclusive were agreed to.

On Clause 36.

The SOLICITOR GENERAL said, that as this clause was a compensating one, he would postpone its consideration until the bringing up of the report.

MR. H. HERBERT said, that he understood great injustice had been done to several clerks in the Rolls Court, and he wished to call attention to the circumstance.

The SOLICITOR GENERAL said, that the claims of those persons were in no ways connected with this Bill. The proper time for urging the claims of those persons would be when the Bill for the amendment of the Court of Chancery should be brought forward.

MR. REYNOLDS said, that there were upwards of fifty copying and engrossing clerks who would lose their employment by the contemplated changes. Those persons had been servants of the public, some of them for the last fifty years; surely their long services gave them some claim to consideration.

MR. SADLEIR also urged the claims of those persons as worthy of consideration.

The ATTORNEY GENERAL said, that, no doubt, a general compensating principle would be recognised in all cases where compensation would be extended under similar circumstances in England.

MR. REYNOLDS said, that there was no precedent in England for the description of persons whose case he had mentioned—the copying and engrossing clerks—all of whom would be ruined by this Bill, unless they got compensation.

The clause was then struck out, in order that a new clause might be substituted on the bringing up of the report.

Clauses from 37 to 47 inclusive were agreed to.

On Clause 48.

The SOLICITOR GENERAL said, that he proposed to make the operation of

the Bill commence on the first day of Trinity term next ensuing. It would be much more convenient to fill up the blank in this way than to make the Bill commence on the first day of Michaelmas term. Since he had postponed the compensating clause, he had been informed that he could not bring in a compensating clause unless in a Committee of the whole House. Under these circumstances, after the remaining clauses were disposed of, he should move that the chairman report progress, and sit again on Friday week.

MR. SADLEIR said, that at this stage of the Committee he wished to introduce a clause, the object of which would be to prevent fraud, and to abolish the system of city attachments, so much complained of, in Dublin, and one or two other cities in Ireland. By the law, as it at present stood, a creditor could, upon his simple oath, issue an attachment, and sweep away the goods of the debtor; and it often occurred that fraudulent executions were put in at the instance of debtors to the injury of the creditor. His object was to give a remedy against the goods instead of the person of the debtor.

The SOLICITOR GENERAL said, that the clause would give to the creditor the benefits of an execution without having first obtained a judgment. All the creditor had to do was to swear that he believed the debtor was going out of the country, in order to obtain an execution against his goods; and he would be able to do so upon the *ex parte* swearing of an interested party.

The ATTORNEY GENERAL considered the clause highly objectionable, and must oppose it.

MR. G. A. HAMILTON considered that the Amendment should be made the subject of a specific Bill, if the principle involved in it was adopted by the House.

MR. REYNOLDS objected to the introduction of the clause, it gave such immense power to vindictive creditors.

MR. SADLEIR said, as the Irish Members did not take a very lively interest in the Bill, and as the Government opposed the clause, he would withdraw it.

Committee report progress; to sit again on Friday, 22nd March.

The House adjourned at a quarter before One o'clock.

## HOUSE OF LORDS,

Friday, March 15, 1850.

MINUTES.] PUBLIC BILLS.—2<sup>d</sup> Audit of Railway Accounts.

Reported.—Commons Inclosure; Convict Prisons.

### AFFAIRS OF GREECE.

The MARQUESS of LANSDOWNE wished to make an appeal to the noble Lord opposite (Lord Stanley) on the subject of a Motion which stood in that noble Lord's name for calling the attention of their Lordships to the present state of the negotiations with respect to the affairs of Greece. He wished to put it to the noble Lord whether he really thought that, pending negotiations of which the result was not yet known, any advantage would arise from the discussion of the subject at the present moment. He put it to the noble Lord whether he considered that any public object would be served by discussing over their Lordships' table, without any prospect of coming to a conclusion, matters which the French Minister, Mr. Drouyn de Lhuys, and the English Minister, Mr. Wyse, must be discussing with M. Londos, the Greek Minister, over another table at Athens. If the noble Lord should, notwithstanding this appeal, determine to go into the whole question of Greece, he must, from a sense of duty, decline to follow him into any of his general considerations. At the same time, he was not at all indisposed to answer any question which the noble Baron might be pleased to put to him as to any matter of fact which had occurred, or might be alleged to have occurred, in that country. There were undoubtedly certain matters of fact on which it was natural that the noble Lord should seek for information; and on such matters of fact he should be happy to give the noble Lord all the information in his power.

LORD STANLEY: The appeal which the noble Marquess has just made to me at the very last moment undoubtedly places me in a situation of no ordinary embarrassment, because on the one hand there are circumstances and facts, only recently made public, which require at the present moment, and without delay, explanation from Her Majesty's Government; and there are also occurrences which seem to have a serious aspect, and which threaten to add another element of difficulty to the complication in which we are now placed by the ill-judged, and, I think, unfortunate

conduct of Her Majesty's Ministers. But, on the other hand, it is impossible that I should not be sensible to the appeal which the noble Marquess, standing as he does in a situation of high official responsibility, has made to me respecting the possible injury to the public service, and, above all, to that great and primary object of which we are all desirous—I mean the amicable settlement of these disputes, which, beginning from a very slight and trivial cause, have been permitted to arrive at a magnitude by which they seriously threaten the peace of Europe. It is impossible that I should not feel sensible to such an appeal so made to me; for though I shall not now express any opinion on the conduct of our Ministers towards Greece, I am still desirous to offer my own view to the House of the papers which are now on the table, and which contain, as I think, very imperfect information. But after the appeal of the noble Marquess, however I may desire to offer my observations on those papers at this time to the House, I am sure that the noble Marquess will not misunderstand me, and will not attribute it to any hesitation on my part, or to any want of confidence in the strength of my case, if I now confine myself strictly within the limits which he has laid down, and abstain from offering any opinion on the conduct of the Government, or on the contents of the papers now upon the table; and I am sure that he will not consider me as precluded from bringing all those papers on a future day under the consideration of Parliament. I shall with this understanding conform strictly to the line prescribed by the noble Marquess, and shall confine my observations to those matters of fact on which he considers it to be his duty, and professes his readiness, to give me a direct answer. Your Lordships will recollect that when on the first or second day of the present Session I put a question to Her Majesty's Ministers on the affairs of Greece, it was announced to me that the French Government, in a spirit of sincerity which I don't dispute, had offered to us its good offices—for I must not say its mediation—and that our Government had willingly accepted them. I understood that that declaration was accompanied with a positive announcement that hostilities, or, if not hostilities, all measures of an aggressive character on the part of the British fleet, would from that time cease and discontinue. I understood from the noble Marquess that our acts of reprisal were to be confined to ves-

sels of war in the service of the Government of Greece. I have since learnt with great regret that that limitation has been so far set at nought that every little fishing boat and every petty mercantile craft has been placed by us under strict surveillance, greatly to the detriment of their owners, and very little to our credit and reputation. But the noble Marquess further stated, and he was understood to have made such statement both by the French and by the Russian Government, that these hostilities should, from the moment of the acceptance of the mediation of France, immediately cease. In documents, which have not indeed been laid upon the table, but which are nevertheless open to all your Lordships—documents which, though not authentic, are not very likely to be erroneous—in those documents, I find it stated, on the faith of a letter which appears to have been written on the 28th of last February, that on the 5th of the same month a conversation took place between the French Minister in England and the noble Viscount now at the head of Foreign Affairs, and that in that conversation the noble Viscount promised that instructions should be instantly forwarded to Sir T. Wyse, the British Minister at Athens, for the suspension of all coercive measures against Greece; and I find it stated in a letter written by M. Thouvenel, the French Minister at Athens, to M. Londres, the Greek Minister, that on receiving the news of our proceedings from Athens, “the French Government immediately despatched M. Drouyn de Lhuys to London as Envoy Extraordinary; and Lord Palmerston, at the very first interview with him, accepted the proposals which he had been instructed to make. After the delivery of an official note, in which the Ambassador of the Republic, who had come to a formal understanding to that effect with the Principal Secretary of State for Foreign Affairs, offered the good offices and mediation of France, the English Ambassador in Paris communicated to the French Minister of Foreign Affairs, M. le General La Hitte, the actual text of the instructions which were to be despatched to Sir T. Wyse by the courier of the 8th of February. If their arrival at Athens has been delayed, it can only arise from some cause entirely independent of Lord Palmerston's will, for he had declared most positively, on the 5th of this month, to M. Drouyn de Lhuys, that he would immediately send an order to suspend the coercive measures employed



against Greece." Now, on the 19th of February there arrived a courier at Athens, bringing to Sir T. Wyse a private letter from Lord Palmerston, announcing the acceptance of the good offices of France by the British Government, and stating that instructions would be sent to him upon the subject. On the 20th of February there arrived at Athens despatches from the English and French Governments; the despatch from England being under the date of the 8th of February. Pursuant to the declaration made by the noble Marquess in this House, pursuant to the declaration made by Lord Palmerston to M. Drouyn de Lhuys, and pursuant to the declaration made by the Marquess of Normanby, the English Ambassador at Paris, to General La Hitte, the French Minister for Foreign Affairs, it was only to be expected as a matter of course, that the packet of the 8th of February would carry out despatches to Sir T. Wyse, containing absolute instructions to him to put an immediate end to hostilities against Greece. The courier did indeed bring despatches from Lord Palmerston to Sir T. Wyse; but the only statement in those despatches was, that the British Government approved the course which Sir T. Wyse had taken. The despatches, moreover, made no reference to the acceptance of the good offices of France; and the consequence was, that from the period when those despatches were received, namely, the 19th of February up to the 1st of March, as far as we know, the British fleet has been placed in what I must call an unworthy situation, namely, that of being compelled to stop merchantmen and to obstruct the commerce of a weak but maritime State, and to inflict injuries on persons who had no interest whatever in the matters in dispute. I read in a letter which has been received from the correspondent of the *Times* at Athens, dated the 28th of February, the following paragraph:—

"In the meantime, the Greek Government show no disposition to make any advances towards a settlement. Numbers of Greek ships have hoisted the Russian flag, which they are allowed to do by the consuls of the Czar. Trade, however, has been entirely paralysed by the blockade, and the price of provisions in all the seaports, and here at Athens, has risen to a height hitherto unknown. There are few merchants of any wealth at Athens or the Piræus, but the number of shipowners is considerable; and, even amongst the humbler classes, their chief means of livelihood is derived from shares in small coasting vessels. Upon these latter, and upon even the fishermen, the blockade has fallen heaviest. Since

the 18th of last January their means of existence have failed, and some of them are already suffering severe privations. Food has risen to famine prices, and death from starvation threatens the poor, whilst the ruin of the better classes seems imminent."

This, I say, is a state of things which appears to me to have arisen unnecessarily, contrary to the assurance of the noble Marquess in this House, contrary to the assurance of Lord Viscount Palmerston, contrary to the assurance of the English Ambassador at Paris to the French Minister of Foreign Affairs, and contrary to the just expectations of the French Government, which interfered in so friendly a spirit. This state of things has been allowed to go on for ten or eleven days, although the British Government might have put a stop immediately to the cruel and unnecessary hardships which were thus inflicted on innocent people, simply because our Minister for Foreign Affairs was not sufficiently at leisure to pen a despatch. This transaction, in my opinion, requires explanation; and, confining myself entirely to the delay, I now ask what was the cause of it? I call, also, attention to this fact, that a recent despatch has not yet been laid on the table, which communicates to our Government a despatch from Count Nesselrode to Baron Brunow, written in a most conciliatory tone, though without withdrawing any part of the despatch of the previous day. I beg the noble Marquess to bear in mind that that despatch, with the conciliatory tone in which it is written, was founded on the assurance that after the acceptance of the good offices of France, Lord Palmerston would relax the extreme severity of his measures and operations, and would consent to a suspension of hostilities. It is clear, from what has passed, that the Government of France expected the immediate abandonment of these hostile proceedings—it is clear that the Government of Russia also expected it; and it is notorious that the people of England also expected it; and, though M. Thouvenel states that it is possible that the non-arrival of the necessary instructions "had arisen from some cause entirely independent of Lord Palmerston's will," who declared on the 5th of February that he would immediately send orders to suspend coercive measures, I shall learn with no less surprise than satisfaction, that, although his despatches were sent out at the earliest period—at the first opportunity, yet, by some unavoidable accident, the packet did not

convey the instructions to Sir T. Wyse which were the most important of all, namely, the instructions for the suspension of hostilities. I will not enter further into this subject. It is my earnest desire that these hasty and unfortunate proceedings, springing from causes slight and trivial in themselves, may not interrupt the good understanding now so happily prevailing between the three great Powers — I mean France, Russia, and England—a good understanding which is so essential to the peace and tranquillity of the world. It is also my earnest desire that we should recollect in future in all our transactions with Greece, and more especially in such as partake of a territorial character, not so much that we are the protectors of the Ionian Islands as the co-guarantees with France and Russia of the independence of Greece; and that it is for the benefit of Europe and the world that Greece should not look up to one Power more than another as her sole protector, but to the friendly union of the three, which would also be the best guarantee of the peace of the world. He would now ask the noble Marquess if he could furnish any information as to the unfortunate and incomprehensible delay in sending the order to suspend hostilities; and he would postpone the general question to another period, reserving to himself a discretion as to whether he would again bring the subject under the notice of their Lordships.

The MARQUESS of LANSDOWNE felt bound to acknowledge the readiness with which the noble Lord had admitted, on the grounds put forward, the inexpediency of entering at large into the discussion of the transactions which had taken place in Greece; and he also felt bound to admit that the noble Lord had carefully and accurately kept within those limits with regard to which he (the Marquess of Lansdowne) should feel happy, as it was also his duty, to afford information. He would now proceed to answer the questions of the noble Lord, and he was glad to have an opportunity of doing so. There was not an individual sharing in the councils of Her Majesty who did not feel that, when any means presented themselves likely to put an end to the proceedings to which attention had been drawn, not a moment should be lost in applying them. He would not on this occasion discuss whether those means were justifiable or not, but he thought that all men must agree that it was desirable to terminate such proceedings as soon as possible, and from that moment not a day or

an hour was lost in taking the most effectual means for that purpose. He would now, as minutely as he could, refer to those points alluded to by the noble Lord, and upon which he thought the noble Lord had been somewhat misinformed. It was quite true that the first intimation which his noble Friend the Secretary for Foreign Affairs received of the willingness on the part of France to mediate or interpose its good offices in connexion with these transactions, was received in conversation on the 5th of February, and was not the subject of formal communication. On the contrary, when his noble Friend asked the Ambassador of France whether he could consider the offer on the part of France as formal, he replied that he was not authorised to make the offer in form, and must await further communication with his Government. It would have been possible, upon this, for his noble Friend the Secretary for Foreign Affairs to have suspended all action; his noble Friend might possibly, he would not say probably, have said that he would wait to see in what form the offer should be made by the French Government; but so anxious was his noble Friend to put an end to the state of things disturbing that portion of Europe, that, without waiting for a formal proposition, on the very day of his interview with the French Ambassador, he wrote a private letter to Sir T. Wyse, informing him that there would be an offer of intervention, and that it would probably be successful. That letter was sent on the 5th. On the 7th, the French Government made a formal offer; it reached this country immediately, and a day did not elapse before formal instructions were sent out to Sir T. Wyse; so that in neither the one case nor the other did twenty-four hours elapse in the transmission of those instructions it was so desirable Sir T. Wyse should receive. Nay more, when the formal instructions were sent — the official acceptance was dated on the 12th of February, and it was necessary to draw them up for the formal approbation of Her Majesty; but when this was obtained, in order to provide against delay, the instructions were sent, not by one channel, but by two—by way of Naples on the 15th, and Paris and Marseilles on the 16th. By one of those accidents, inseparable from the transmission of communications to distant parts, the despatch of the 16th arrived before that of the 15th: but they both arrived at such a time that the instructions might be carried out on

the 1st of March; so that twenty-three days only elapsed from the time of the intimation from the French Government before all hostile proceedings were suspended. In the meantime, Sir T. Wyse acted upon the intimation contained in the private letter of Lord Palmerston, without waiting for his formal instructions, as he thought he was bound in honesty and strict policy to do; for he found that, upon the 24th of February, before the receipt of formal instructions, Sir W. Parker had ceased to make reprisals; and upon the 1st of March he discontinued the embargo upon the formal instructions which he had received. As he collected from the noble Lord, he complained of the instructions having been withheld, and the delay with respect to acting upon them. The French Government were, however, perfectly satisfied upon that subject, and were, he believed, convinced that no time had been lost in giving effect to these instructions, the object of which was to put an end to the state of things of which Sir T. Wyse complained, except so far as regarded the detention of vessels which had been previously taken, and which, acting upon his instructions, Sir W. Parker retained as security for, and could only release after, the final adjustment of the claims, which he hoped would be speedily accomplished through the good offices and mediation of France. With respect to the amount of these reprisals, he could only assure the noble Lord—feeling anxious as he did that those reprisals should not be found to have occurred to an extent beyond the objects for which they were effected—that these reprisals had been limited only to that sum which was considered necessary, in order to cover the amount of the demand which had been made upon the Greek Government. He confessed, that nothing afflicted him more than that in this transaction any injury should have been inflicted upon commerce, or that any of its operations should have been interfered with by the necessity of the case. He could, however, state that no vessel of the mercantile marine had been interfered with until it was found that the public vessels detained did not amount in value to such sum as would cover the amount of the claim made. When it was found that the value of the vessels taken amounted in value to the claim made, it was not the intention of Sir W. Parker—had he not received additional instructions to take no more—to continue to take more vessels

than would answer the object which he had in view, namely, that of having security for the amount of the demand. He believed that it would be found, in the end, that no real grievance had been suffered by any of the ships which had been taken by Sir W. Parker. He considered that Sir W. Parker had shown a very laudable anxiety not to interfere unnecessarily with the commerce of the country, and although a great many vessels had been detained, still the whole of them had not exceeded in value the sum which it was his duty to claim, and the security for which it was his duty to retain until the affair had been fully and finally settled. He trusted that he had fully satisfied their Lordships that, in point of delay, no time had been lost in depriving these proceedings of any character of inconvenience or harshness, consistently with the objects which the Government had in view; and he heartily joined with the noble Lord in trusting that the affair might be amicably arranged, without involving considerations which would create further disturbances between Powers now at peace, who would, he trusted, be convinced—if they were not so already—that Great Britain had no other object in the proceeding but that of doing justice to what they considered the just claims of one of our own subjects. With respect to those documents to which the noble Lord had particularly alluded as having found their way before the public, without having been laid upon the table of their Lordships' House, they had found their way to the public by means into which he was not then able to enter, but which could only have been so made public by the unpardonable negligence, to say the least of it, of some person—he was not prepared to say by whose negligence—but whoever that functionary might be who had so far neglected his duties, he (the Marquess of Lansdowne) had not the least doubt but that he would be subjected to some inquiry upon the part of that Power whose confidence had been so abused, and whose authority was so great that he felt certain it would disdain to have recourse to any imperfect publication of such a nature as that which had been referred to, and especially pending these negotiations of a public and important character, which would be equally inconsistent with the convenience of the negotiation and the dignity of the party concerned.

LORD STANLEY requested the noble Marquess to allow him to question him on

one point of the speech which he had just made. He understood the noble Marquess to say that, in consequence of the despatch containing a formal offer of her good offices not having been received from France till the 7th of February, and in consequence of the instructions for Sir T. Wyse not having been then prepared or submitted for approbation to Her Majesty, a delay from the 8th to the 15th of February took place, but that on the latter day the instructions were sent out. The noble Marquess had also stated, that previous to the receipt of those instructions, Sir W. Parker and Sir T. Wyse had proceeded to act on the private letter addressed to the latter Gentleman by Lord Palmerston. Now, the private letter of his Lordship was said to be written on the 5th of February, and the formal official letter was said to be written on the 8th of the same month. The noble Marquess had told their Lordships that those letters had been received in Greece on the 18th or 19th of February. If so, why were not hostilities stopped sooner? He could not of course doubt the facts as mentioned by the noble Marquess. He saw it stated in a letter from the correspondent of the *Times* at Athens, dated February 28, that "the blockade on that day still continued in full force; that the number of Greek ships captured by the British squadron was now considerable; and that their value was certainly greater than the sum demanded by England." Again, on the 1st of March, the correspondent of the same paper wrote that "the blockade still continued, and with as great vigour as ever." These statements were so completely at variance with that made by the noble Marquess with respect to the time of the suspension of hostilities, that he was perfectly at a loss to reconcile them. What he wanted, therefore, to know, was how the 24th of February came to be fixed upon for the suspension? Private instructions had been received on the 19th, the public despatch was received on the 1st of March, and yet it was upon the 24th of February—not upon the receipt of the private letter previously sent, nor upon the receipt of the public despatch, which did not arrive till afterwards—that, according to the statement of the noble Marquess, the suspension of hostilities took place, but which, according to the public journals, was not until the 1st of March. He was not able to reconcile these discrepancies; perhaps the noble Marquess could satisfy the House upon the subject.

The MARQUESS of LANSDOWNE thought that the apparent contradiction could be easily explained. Sir W. Parker, writing upon the 24th of February, stated that he had since the 18th—he did not say upon what day he had received the letter—but that since the 18th he had discontinued the blockade. It was quite impossible for him to have done so earlier than he did, and he had not the least doubt that Sir W. Parker, acting upon his instructions, and the private information which he had received, was prepared to take the first opportunity of suspending the blockade. He did not discontinue the embargo till the 1st of March, but the system of taking the vessels was discontinued before that time.

LORD BROUGHAM fully concurred in the wish expressed upon both sides of their Lordships' House, that the unhappy differences which had sprung up might speedily and entirely be done away with through the good offices of France.

Subject at an end.

#### EMIGRANT SHIPS.

The EARL of MOUNTCASSELL rose, pursuant to notice, and made the following Motion:—

"That there be laid before this House, a return of all the Penalties imposed and levied on owners, masters, captains, and others, for breaches of the Act of 5th and 6th of Victoria, known by the name of 'the Passengers' Act,' since the said Act came into force; specifying the amount of fine, the year when such penalty was imposed, the period when paid, how such penalty was disposed of, the name of the ship, the name of the offender, and the offence he committed; together with the name of the port where the party was convicted, and the officer who enforced it."

He said that he had delayed making this Motion at the request of the noble Earl at the head of the Colonial Department, who had told their Lordships that they ought to make themselves acquainted with the contents of the documents from the Colonial Office which had been laid upon their table before they proceeded to consider the present Motion. That certainly was a sufficient reason for postponement, and he, following the advice of the noble Earl, had done all in his power to make himself master of the information which those documents had furnished to their Lordships. But, though these statements were not without considerable effect upon his mind, yet they by no means deterred him from proceeding with the task that he had undertaken, which was to call the attention



of the House to the abuses that occurred, not occasionally, but systematically, on board almost all emigrant vessels—not merely the wickedness and the profligacy for which they were notorious, but the infamous frauds that were practised with regard to the supply of provisions, and other abuses by which emigrants were exposed to sufferings of various kinds. He should state that his sources of information were numerous, comprising “blue books,” pamphlets, and letters, as well as the authority of many captains and ship surgeons; and he therefore considered himself competent to bring the matter fully before them. The most cursory glance would at once show there was no safety or protection for female emigrants; and indeed scarcely anything like fair play for any class of emigrants. When the poor emigrant left his home, he usually proceeded to one of the outports, where his troubles really began, and where he became the victim of the most inordinate extortion. As to young female emigrants, so soon as they were placed on board an emigrant ship, they were deprived of the least security; they were exposed to every means of corruption and profligacy, a condition which chiefly arose in consequence of no sufficient care or attention being paid to the proper selection of officers and surgeons for those vessels—more especially the surgeons, to whom much was confided. It could scarcely be too often said that those surgeons were not selected as they ought to be; for, as their Lordships must be well aware, a great deal of power and authority was intrusted to them. When placed on board ship—although the printed regulations were admirable—in nine cases out of every ten the comforts of the emigrants, their wants, and, he might say, their safety, was not attended to. When the emigrant arrived at his or her destination, the agent came on board, and questioned them in presence of the captain, surgeon, officers, and crew as to whether they had any complaint or charge to prefer. But the emigrant well knew that he was too much at the mercy of these parties, who still retained control over the scanty stock of luggage possessed by him, and of course he remained silent. Now, he (the Earl of Mountcashell) felt convinced that, but for that system of silent intimidation, the emigrant could speak a great deal of his sufferings, his wrongs, and his bad treatment in general. The emigration agent, who took them in charge

on landing, generally felt favourably disposed to the captain and officers, who, in the majority of instances, were acquaintances of his, and whose misdoings he consequently wished to screen and slur over; for the emigrants, whom he might never see again, he felt little concern or interest. Such was the state of things which the emigrant to Australia had to encounter; but the truth of which seldom came out. However, there was sufficient evidence to prove the existence of such practices. As to the provisions on board emigrant ships, nothing could be worse, and nothing which more frequently produced disease and death; but in an especial degree had they a right to complain of the supply of water. Water was supplied by pumping from barges which came alongside the vessels. Now he would mention a case that had occurred in the port of London. It was the practice of the men who worked those barges to go on shore to dinner at a certain fixed hour every day. Upon one occasion it happened that their barge sank and went to the bottom during the dinner hour, and when they raised her it was found that holes had been bored low down in her sides, which caused her to sink; and what was the fact? That all this time, instead of supplying pure water, as the bargemen professed to do, they were sending into the ship nothing but the dirty filthy puddle of the Thames below bridge, which flowed through the holes bored in the barge for the express purpose of letting it in. That such water would necessarily lead to disease was a truth upon which it was scarcely necessary for him to insist; that it had done so was a fact perfectly well attested. He should come to the subject of meat. It had long been notorious that the passengers in the emigrant vessels were supplied with a very bad description of food; that a great deal of bad meat was received on board those vessels, of which a remarkable instance occurred on board the bark *Aden*. As soon as they got out to sea, the stench from the bad meat made them all so ill that they were glad to creep into any corner of the ship to escape from its dreadful influence. The passengers remonstrated, and the surgeon promised them that when they reached Plymouth, at which port they put in, the evil should be remedied; but that promise was not fulfilled. He should read the words of the statement that had been furnished to him:—

“The bark *Aden*, with 172 passengers, paying

their own experience, left Gravesend on the 15th of last May, and arrived at Port Adelaide on the 11th of September. In a statement signed by thirty-five passengers they say—"Our first source of complaint and grievance arose out of the manner in which the ship was provisioned. We had good meat till we left Gravesend, but as soon as we got out to sea there arose such a stench as was quite unbearable from some flesh which was boiling in our cook's coppers. This, more than the rolling of the ship, turned us all sick, and we went into every out-of-the-way place to avoid the stench. The surgeon declared it would bring on some disorder, and promised to see the Government inspector about it on arrival at Plymouth; but he did not do so. This meat was given us on three successive days, after leaving Gravesend, and we all became so ill and hungry that we threatened to kill the cats and boil them. On the third day the stuff was left boiling in the coppers, all the passengers having agreed to allow none to be taken between decks, or even out of the cook's boiler."

What was the inference to be derived from that and similar instances? The obvious inference was this—that if the laws were rendered stringent, were then properly enforced, and the offenders punished, the practices of which the country had such just right to complain would cease and disappear altogether. His impression was, that this class of offenders were very rarely punished; and in those cases in which they were brought to justice, the punishment was always of the most lenient kind. In one case—a North American emigration ship (the *Concord*) that came under his notice—the passengers on their landing made application to a magistrate, and he, as was usual in such cases, regarded the offence as very venial. On account of one case the magistrate inflicted a penalty of 6s. 8d., and then the master of the emigrant vessel compounded with several others at the rate of 5s. a head. He would ask their Lordships, when they looked at the circumstances, to say what other results could be expected. The people who went out in those vessels were necessarily very poor and ignorant; they knew nothing of the law, and it was next to useless for them to appeal to any magistrate; for the sympathies of magistrates were all with the captains and officers, and all against the unfortunate passengers; whereas the feeling ought to be all the other way, for good conduct on the part of captains, officers, and surgeon superintendents, was too often the exception, and evil conduct the rule. He held in his hand various documents, to some of which he would call the attention of the House; one particularly from Liverpool, which had reference to the supply of provisions. It was in these words:—

"I have been at a loss (knowing the great fastidiousness, and properly so, of the masters of London long-voyage ships as to the articles of beef and pork) to account for the large purchases made here from time to time (but more particularly very recently) of the most inferior and lowest-priced American beef and pork to be found at this port. It now strikes me that all this bad meat, rejected by our shipmasters in this port, has been purchased by the London contractors for the May emigrant ships, particularly for Australia, now fitting out in London. In the month of November I had occasion to institute particular inquiry as to the stocks of provisions here, and learned from our most respectable dealers and brokers that it consisted of some thousands of tierces of American beef and pork, which was, with the exception of a small quantity, perfect rubbish; that our dealers had culled all the good nearly out of some 26,000 tierces of beef, our import; and that what then remained was such as shipmasters and owners would not take."

It was thus that the emigrants were treated on their voyages to Australia. It was manifest that no sufficient care was taken in England to appoint proper emigration agents. But, after all, it was not to be denied that those who examined the provisions had rather a difficult task to perform; for they could not open and examine all the tierces of beef or barrels of pork; it would not improve the provisions, but rather injure them, if anything of the sort were done. This state of things, however, sometimes led to very grievous frauds. The captains often concealed in the holds old provisions that they had left over from a previous voyage. Those provisions were generally in the very worst condition—sometimes in a state almost putrid. They were kept concealed till the vessel proceeded out to sea, and such vile food often produced sickness and death. It was found, on calculation, that as many as 1½ per cent of the passengers to Australia died on the voyage, which constituted a very large proportion. There certainly should not be so many in the short space of four months, and some of the chief causes might be traced to bad food and bad water. Up to this time he had spoken only of food; he should read a passage from a newspaper which he held in hand, called the *South Australian News*. [It was objected by Earl GRAY that the noble Lord should confine himself to official documents.] If there were anything wrong in the paper, the noble Earl could answer it. The passage which he proposed to read consisted chiefly of questions, to which the noble Earl might give replies if he thought proper. The passage ran thus:—

"We regret to observe that the passengers by

two of the vessels, the *Aden* and *John Munn* were anything but satisfied with their treatment. The commanders are charged with dereliction of duty, allowing drunkenness, gambling, and immorality to prevail, and neglecting to serve out sufficient and good provisions. The case of the latter ship, however, appears to have been the worst; and though the captain held a meeting on the 7th of October to vindicate and exculpate his procedure, he seems to have failed in doing so. About thirty or forty of the passengers were present, some of whom justified his conduct; and the *South Australian Register*, in noticing the matter, makes the following remark:—'No one impugns his (Captain Pearson's) nautical skill, but did he deny that his vessel was badly provisioned, and that in port many of the passengers were provisioning themselves? Did he deny the open sale of spirits from the cuddy during the voyage, even on the Sabbath day? Did he deny the prevalence of drinking, gambling, and smoking between-decks? Did he deny the connivance at immoral conduct? Did he discountenance the foolish and dangerous use of firearms by way of pastime on deck? And is he ignorant of the fact that the ship was more than once in danger of being set on fire by such practices? Does he mean to say, that having signed the necessary certificate that the required quantity of provisions was on board, he was not to blame when the passengers were put on short allowance of water and provisions? Does he deny the use by himself and his officers of vulgar, profane, and abusive language towards the passengers?' "

The press, the public feeling of the country, public meetings, the House of Commons—in short, every power in the land would compel the noble Earl to alter a system which was degrading to the nation and oppressive to Her Majesty's subjects. These things were facts; they ought to be rectified, and as long as he had life he would persist till the atrocity was put a stop to. He would now call attention to the conduct of the surgeons; and he believed the noble Earl had, by this time, made himself acquainted with the facts, and was satisfied that what he (the Earl of Mountcashell) had stated was correct. Indeed, he had rather understated than overstated the real circumstances. The blue book which had been laid on the table would amply prove all his charges, and, in fact, he had derived a vast deal of additional information from it. When their Lordships considered how much was intrusted to the surgeons of emigrant vessels, and that it was not enough for them to be merely medical men but men of character, he thought they would agree with him in thinking that care should be taken in selecting proper persons for the post. He had ascertained, however, that little or no attention had been paid at the Colonial Office to the character of the medical officers or surgeon-

superintendents. The Emigration Commissioners, indeed, required testimonials of competence, but after those had been produced, little further inquiry took place. [Earl GREY: No, no!] He asserted it—repeated that but little inquiry was made into the character of the surgeons. In that way the appointment of the madman, to which he alluded the other day, might be accounted for. Well, what had been the result? Let the pages of the blue book answer. At page 19 it was stated, "the surgeon of the *Waverley* treated one of the unmarried females improperly." The surgeon of the *Lysander* "was unable to maintain respect for himself, or proper discipline on board."—(P. 38.) The surgeon of the *Thomas Arbuthnot* "treated some of the single female emigrants indecently."—(P. 51.) The chief officer also had been found in the berth of one of the women. The surgeon of the *William Morris* was reported to be "ill-suited for his office."—(P. 53.) The surgeon of the *Thetis* "was careless of his duty and habitually drunk" (p. 83); and much sickness prevailed on board as a natural consequence. Next came the case of the *Earl Grey* (p. 117), in connexion with which the orphan girls from Belfast had got such a bad character. The surgeon was said "to have shown want of judgment and discretion." The matron was inefficient, and some of the officers paid improper attentions to the young girls on board, while the crew appear to have had an unrestricted intercourse with them. Now, here were a number of young and inexperienced girls put on board a vessel, and left to the mercy of the crew without protection or guidance. When they arrived they were branded as improper characters, and the guardians were accused of having sent out abandoned girls to the colony. Justice had not been done either to those young girls, or to the guardians, who had done their best to select proper persons. Because some few women from other unions, who were no better than they should be, particularly those from Dungannon, had got into the vessel, the whole body of the Belfast girls was charged in that wholesale way; whereas out of forty-six there were but four really bad, all the others having turned out to be excellent characters. To go on with the list of emigrant ships. Without dwelling on the case of the *Sabraon*, to which he had already called attention, he would pass to the *James Gibb* (p. 163), where the surgeon allowed the officers of

the ship to carry on an improper intercourse with the female emigrants. At page 193 it was stated, that the conduct of the captain, the surgeon, and of the matron of the *Inconstant* was "indiscreet," and that "the surgeon ought not to be employed again." Those extracts showed that things were not carried on in precisely the way the noble Earl would have the House and the country to believe. The conduct of some of the officers had been equally bad. It would be seen, on reference to the blue book, that the chief officer of the *Thomas Arbuthnot* and the second mate of the *General Palmer* had behaved improperly to the female passengers (p. 51, 88). On board the *Earl Grey*, the first and second mates were said to have paid "improper personal attention to some of the Irish orphan girls;" and the cook was said "to have taken liberties with some of them." On board the *James Gibb*, the officers and seamen were reported to have been guilty of similar conduct. He begged the attention of the noble Lord to a statement at page 125. It was of the most important character, and demanded the most serious consideration. It was stated, that six of the females who went out in the ship *Manchester* to Port Phillip, were hired, on board, the moment they arrived, by notorious brothel keepers. Was it for such purposes as those we sent out virtuous women to our colonies? Would Government deal with these facts or not? He called their attention to it, and the country would expect them to find a remedy. If any of their Lordships turned to page 188, they might see the details of the "flogging" inflicted on four girls on board the *Ramilies*. He knew how difficult it was to manage emigrant vessels, and how hard to control violent and ill-tempered women; but such a proceeding as that was disgraceful to those concerned in it. He believed these evils could not be remedied by the present Passengers' Act. It was defective and imperfect, and could never insure adequate control over the surgeon and officers; but it was the duty of the Government to amend it; and the country would look to the noble Earl opposite, on whom the responsibility rested, for a measure to put an end to such a system as that he had described. These facts were recent. They were all to be found in the last three books laid on the table, and entitled "Papers relative to emigration to the Australian colonies." But if they went further back they would find

just the same state of things. Ten years ago, just as great atrocities had been perpetrated. On this point he begged to read an extract from a letter to himself, which afforded a striking instance of profligacy:—

"In 1841 I sailed from London in the preliminary expedition for the settlement of Nelson, New Zealand, in the capacity of principal surveyor and engineer for that settlement. Our party comprised nearly eighty picked men, most of them married. Their wives did not accompany them, as it was the professed intention of our employers that a careful selection of a suitable site should be made, which might probably occupy us for some months after our arrival at New Zealand. On our departure the directors of the New Zealand Company assured the men that the safety, comfort, and welfare of their wives should be most religiously cared for; and one of them, Mr. Ross Mangles, especially pledged himself to the exercise of such care on their behalf. About six months later, in 1841, the women embarked in a ship called the *Lloyds*; on her arrival at Nelson, a complaint was made to the New Zealand Company's agent, that shortly after sailing the captain and his crew had frequented the women's apartments, and during the voyage had lived in debauchery with a considerable number, to the great grievance and discomfort of those who remained faithful to their husbands, and also that the great mortality amongst the children during the passage was attributable to gross neglect both on the part of the doctor and of the adulterous mothers. The case was investigated, the charge fully substantiated, and reported by the agent to the directors of the New Zealand Company. The second vessel which sailed from London for Nelson was the *Mary Anne*, carrying out a large number of cabin and steerage emigrants—amongst the former a son of a director of the company, in the capacity of emigration agent to the settlement. A highly respectable cabin passenger (now residing in England) informed me on his arrival at Nelson, that the ship had been a 'floating brothel' during the passage. In the instance of this ship no investigation took place, but I may state one case of peculiar depravity. The first mate of the *Mary Anne* had seduced and got with child a girl scarcely 15 years of age, a daughter of a cabin passenger. He had also cohabited with the wife of another passenger (recently married) and with other women, and at Nelson he left the ship, and continued to live in open adultery with the married woman."

These were melancholy statements, and showed the continuance of evils which they must all deplore. And what must the result be? That the well-disposed portion of the community would refrain from tempting such risks, that they would not trust themselves on the ocean, and that in future our only emigrants would be the very sweepings of the streets—the thieves, prostitutes, and vagabonds of England. A letter had been addressed to Mr. Sidney Herbert, in relation to his plan for sending out distressed needlewomen to Australia, from



which he would read an extract. With every respect for the motives of that gentleman, he feared that unless something was done to alter the present system, those poor women would be of no service to the colony, and 99 out of every 100 would end by going on the streets of Sydney. The writer of the letter to which he referred, said—

“ I have only time to observe, that if you are about to depend on Government aid and the present Government machinery, for the care and distribution of your emigrants in Australia, God help the poor women! Had I time or space, I would prove the flagrant want of common sense displayed by the emigration officials, and the utter absence of all proper means for protecting and distributing female emigrants, as shown in the course of 1848 and 1849. If you have nothing better to depend upon than the present Government machinery, the principal result of your charity will be to increase the numbers of unfortunates who already crowd Australian seaports.”

Again, he said—

“ The mere shovelling in of distressed degraded women will never do—the people who rejected cargoes of our convicts will not accept cargoes of our strumpets.”

The author of that letter was well known, and he (Lord Mountcashell) placed reliance on his statements. Bad as was the case of many poor women in London, he would not advise them to venture their persons on board an emigrant ship to Australia till better regulations for their protection had been adopted. The noble Lord concluded with the Motion already given, and stated that he would postpone another Motion which stood in his name for an Address to Her Majesty for a copy of the proceedings in the case of the *Sabraon*.

EARL GREY said, the noble Earl opposite had stated in his speech that he had stated enough to induce their Lordships to grant the returns for which he moved; but he (Earl Grey) believed they would all agree with him in this, that the noble Earl had said enough to show that he had no ground whatever for the sweeping charge he made with regard to the manner in which the Australian agents had acted. He had divided his charge into two parts. First, he complained of the quality of the provisions served out to the emigrants on board the ships bound for Australia; and, next, of the general conduct of the superintending surgeons. With regard to any abuse as to the supply of provisions, he (Earl Grey) entreated of the noble Earl to mention any one individual case, and if he did so, he (Earl Grey) was satisfied he would be able to answer him; but he could

not produce a single case, except on the authority of a newspaper which had arrived overland from India, before the official intelligence could be received.

The EARL of MOUNTCASHELL begged to say he had referred the noble Earl to a particular page in the book on the table. He had referred the noble Earl to the facts, and stated the vessel.

EARL GREY: The noble Earl had certainly found a case where the ship was stated to be sinking, but the report with respect to that vessel said the provisions and water were good; so that that case, instead of making out his argument, did entirely the reverse. The other was a case founded on a report in a newspaper, from which it appeared that thirty-five persons out of 150 embarked complained of the quality of the provisions between Gravesend and Plymouth. That was not a Government ship; but he felt bound, in justice to the respectable shipowners by whom the trade was conducted, to say he did not think they were liable to the charge that had been made. He had seen the paper stuck up in the emigrant ships stating if any complaints were to be made about provisions, or any other matter, there was the emigration officer at Plymouth, and the agent of the charterers of the ship, who would be ready to investigate any complaint. With respect to this case that had been referred to, it appeared that the ship rolled very much, and those persons never having been at sea before got very sick. They did not know sea life, and were very much discontented with their dinner, perhaps in consequence of the state of their stomachs; but in that case there was no evidence that they had complained when they reached Plymouth. If they did complain, an investigation would take place, and, therefore they must dismiss that case. They had a sweeping and general assertion made that the provisions were of bad quality, and that bad water had been served up. Against that charge they had the official reports on the table (after a deliberate inquiry at the ports to which those ships were consigned), showing the result of the examination that took place. Just to show the sort of manner in which the very able and energetic emigration officer at Sydney had conducted the inquiry, he would refer to page 62. Mr. Merryweather stated that the *Harbinger* was very well suited for the conveyance of emigrants, and that the surgeon superintendent appeared to have performed his duty in an efficient

manner, and reported that he had received effective assistance from the officers and men. That was a specimen of the reports that had been made. Every ship that arrived was carefully examined by the emigration agent, and if there was any ground of complaint, there was the most ample opportunity to make it. The noble Earl said that the emigrants were overawed by the officers of the ship, but the manner in which the inquiry was conducted was this: Mr. Merryweather and the board who made the inquiry went down into the cuddy of the vessel, and no officer was present except the surgeon, whose control was at an end when they arrived—

The EARL of MOUNTCASHELL: Not while any of the emigrants remained on board.

EARL GREY: They might never see him again, and were entirely independent of him, and it was certainly found that when there was a ground of complaint, the complaint was made. The result having been inquired into in that manner, it was found that scarcely in one instance were provisions of bad quality stated to be used. No doubt the charterers of ships when getting a large quantity of provisions might sometimes get a cask of bad water in a ship. At any of their Lordships' tables were they certain always that bad meat would not by some accidental circumstance be served up to them? But every possible pains were taken to guard against it, and if they looked to the report from each individual ship that was printed for Parliament, they would find that the clearest testimony was given as to the manner in which provisions were supplied to passengers. He would pass from that subject, into which he would have wished to enter more fully if the noble Earl had given him the means of doing so; but when he gave no case of abuse, he (Earl Grey) could only meet his assertion by an equally general statement, and challenge him, from the report on the table, to show a case where bad provisions were used. Then came the case of the surgeons. The noble Earl said that the surgeon-superintendents habitually misconducted themselves—

The EARL of MOUNTCASHELL: Not all.

EARL GREY: The noble Lord says not all, but a noble Friend near me reminds me that the noble Lord said "that good conduct was the exception." It was his (Earl Grey's) duty, since the noble Earl

had brought this matter forward, to have the report of the ships that had arrived since the emigration to New South Wales was resumed, analysed, and to see what had been the conduct of the surgeons, and he found the whole number of ships of the arrival of which they had received reports at Port Phillip and South Australia was 124. Of the 124 surgeons of those ships, it was reported that 70 had very efficiently performed their duty. There was no complaint of 28, making 98 that might be considered as good. Of four there were favourable reports, but qualified in some way or other, often in a very slight degree. Six were described as having been inefficient, including two who had become inefficient from bad health. Five were complained of for decided inefficiency and misuse of their authority, and eleven were positively bad. That was the result with respect to the whole number of 124; and when their Lordships considered how the selections were often made, that sometimes the surgeons must be found on very short notice, when illness prevented the person originally appointed from going into the ship, they would agree with him that that was not a very large percentage of misconduct. After all, some of the cases of misconduct were very slight. The noble Lord had certainly mentioned a flagrant case—the case of the *Ramilies*. He said that the surgeon had been guilty of administering corporal punishment to four women. He (Earl Grey) did not approve of that, but here was the report on the subject. It was certainly an error of judgment on the part of this surgeon, but here was the account from his own journal:—

"On investigating a charge made by Anne Shephard against four girls, I found they had used scurrilous language, and knocked her down, and took from her a biscuit and butter. I thought it right to punish them with several stripes on the shoulders, in the presence of the matron."

The punishment was inflicted in consequence of bad conduct, but he (Earl Grey) admitted it was wrong to beat women at all; but when violent women got board ship, and ill-used each other, and committed violent assaults upon unoffending parties, and it was thought necessary to punish corporally—that punishment not being a flogging as was represented, but a few strokes on the shoulder administered in the presence of the matron—it was an error in judgment on the part of the surgeon certainly, but not the monstrous crime the noble Earl had described. The noble Earl

had also referred to an Irish emigrant vessel, that had sailed from Belfast, and quoted a passage from one of the volumes on the table, for the purpose of showing that the surgeon was inefficient. He begged to remind the noble Earl that the report he quoted was from a gentleman who never saw the surgeon and never saw the ship. But what was the judgment formed by the committee at Sydney after looking over the ship, and investigating on the spot the conduct of the surgeon? They said the surgeon-superintendent appeared to have discharged his duty in an efficient manner, and stated that he had received all requisite assistance from the master of the ship. Those persons that the surgeon said had given him so much trouble, had been, as appeared from subsequent reports, dismissed for misconduct from the places they obtained on their arrival in the colony, but all the rest got good places. He believed, in point of fact, the mistake that had been made was in taking those persons from town workhouses, because the Irish emigrants selected from the country workhouses had given satisfaction. Those sweeping charges of the noble Lord's, though supported by no evidence, were doing very serious injury. They had a great national interest in promoting emigration to the Australian colonies; and to throw discredit on the manner in which that emigration was conducted, unless abuses could be proved, was, he must say, exceedingly injurious. He appealed to his noble Friend who sat on the bench near him (Lord Monteagle), who knew a great deal about emigration, as to the evidence he had seen on the subject. He had seen the most unsuspicious evidence of all, the letters written after their arrival by well-conducted emigrants, and they spoke almost in high terms of the treatment they received. But when so many as 30,000 emigrants went to the Australian colonies in the last year, it must be expected that there would be a considerable number of persons, who, from their own fault, or temper, found the passage uncomfortable—who were discontented with all the hardships of a long sea voyage, and therefore wrote very unfavourable accounts home. No doubt the noble Earl had made his statement from the best motives; but he (Earl Grey) was satisfied that the noble Earl had been deceived by the mis-statements of parties of this description, and there was no ground whatever for the general charges that had been made. He

would say, in confirmation of that, that the percentage of deaths that took place on board those vessels was a conclusive proof that the charge was not true. For if ships went out on a three or four months' voyage with bad provisions and putrid water, it was impossible but that a large mortality should take place on board those vessels. But what was the fact? The whole mortality very little exceeded  $1\frac{1}{2}$  per cent in four months. Even if the emigrants consisted entirely of adults, taking the casual chances of human life and the hardship and sea voyage, it was no very large percentage; but four-fifths of those deaths were children under seven years old. They knew that no human care or precaution could make a long sea voyage otherwise than injurious to young children. If they took one of their own families to Australia, they would find that a long sea voyage would be extremely trying to children. In the great majority of those ships, if they examined the details of deaths, they would find no deaths of adults at all; the great bulk of the mortality that took place consisted of young children. That, in fact, was conclusive as to the wholesome character of the provisions supplied. He trusted the statement of the noble Earl would not have the effect of discouraging those persons who contemplated emigration to Australia. He thought they might safely take the passage in a ship chartered by a respectable house, with every certainty that they would be properly treated.

LORD MONTEAGLE said, that he had seen during very many years the correspondence which passed between numerous poor emigrants to Australia and their friends in Ireland, and in no one of such letters seen by him was there a single expression of opinion that did not confirm every statement made by his noble Friend (Earl Grey) with respect to the care that was taken of them on ship-board, and the humanity with which they were treated. Devoted as he had been to the question of colonisation for the last twenty-two or twenty-three years, he did not regret that the subject of the treatment of emigrants on ship-board should be brought before Parliament on every fitting occasion; but if he knew anything of the way in which the officers in the emigration department were performing their duty, he felt assured that no person could render them more acceptable service than by bringing before Parliament any well-ascertained case of abuse, with a view to immediate inquiry,

remedy, and, if necessary, to punishment. But he must say, the case of complaint ought to be selected in a different fashion, and dealt with in a different manner, from the way in which, on this occasion, it had been done. It must create an unjust prejudice against emigration, if a Peer of Parliament should with inconsiderate and sweeping censure condemn everything.

The EARL of MOUNTCASHELL: I had no reason to condemn everything; that is going beyond the mark.

LORD MONTEAGLE: Would the noble Earl then retract what he had said, namely, that the instances of good conduct formed the exception, and the instances of bad conduct formed the rule? When he made such a charge, he should be prepared to prove it, and if he were not so prepared, it should not have been hazarded. It was a charge which affected the characters of numerous persons who were not there to defend themselves; and to advance it lightly, appeared to him an unjustifiable abuse of the privilege of Parliament. He (Lord Monteagle) would refer their Lordships to evidence of a better description, to the evidence taken before the Committee of which he was chairman—the Colonisation Committee—which showed what private shipowners had done in discharge of their conscientious duty. When the law was silent on the subject of employing surgeons in North American emigration ships, the respectable shipowners, Messrs. Carter, had voluntarily employed a surgeon for the purpose of accompanying the emigrants. The same firm had even provided a collection of books for the emigrants on their passage. He thought not only the shipowners, and the Emigration Commissioners, but the Secretary of State had been unjustly attacked. Who, he asked, had brought in the Amended Passengers' Act? The noble Lord near him (Earl Grey), who had thereby shown his anxiety to provide the best means of protecting emigrants on board ship, and it certainly was too bad that he should be charged with unconcern as to their condition. He (Lord Monteagle) had indeed charged his noble Friend with going too far in that direction. A young friend and relative of his own (Mr. de Vere), deeply interested in this subject, and distrusting the mode in which emigration was carried on, ventured himself in one of the ships, not as a cabin passenger, but sharing the risks and hardships of a common passage in one of the

emigration ships, wrote, on arriving in the St. Lawrence, not a public letter, but a private letter, relating every complaint that his experience pointed out. This letter was shown to the noble Earl: was it overlooked? No; it received immediate consideration; it was referred to the Governor General of the Canadas, and in some very important particulars the suggestions thus given by a private person wholly unconnected with Government, and speaking only with the authority of an independent witness, were made the foundation of an amendment of the law. With regard to the officers of the Emigration Office, if his noble Friend (Lord Mountcashell) was as well acquainted with them as he was, he would not suspect any of them as having been remiss in the discharge of his duties. They did not leave their primary duty to be performed by clerks or inferior agents, but they went themselves to the outports to make the necessary inquiries and to see that the law was studiously carried into effect. This he knew to have been done at Liverpool; but the House had further evidence from the acts of the colonists, which was unanswerable. At whose expense, he asked, was the Australian emigration chiefly carried on? It was carried on for the most part at the expense of the colonists. The colonists were deeply interested in this emigration—more directly interested than the public at large in this country—they all comprehended that the prosperity of the colony depended upon emigration. Now, if the instances of abuse were the rule, and if the instances of good conduct were the exception, did the House think the colonists would be disinclined to express their complaints? Would not petitions on the subject from the colonists have been laid, before now, on the table of the House? But he never heard of any complaint from them except that they had not emigration enough. Were they, then, to attach weight to one report in an obscure newspaper? Considering the multitude of emigrants that had quitted this country in the course of the last few years, this single complaint was in itself evidence that there neither existed many or well-grounded causes of complaint. His noble Friend (Earl Grey) and he might differ on the subject of emigration—they did so differ, and he would be prepared to maintain his own opinion, or an adverse one, on a fitting occasion—but in a case like the present, from what he knew of his noble Friend's personal



character and official conduct, and recollecting the exemplary humanity and the care he had taken, when Secretary at War, to provide fitting food and shelter for the soldier, both at home and abroad, he thought no one could doubt that the question of the proper treatment of the emigrants would be the very point in his official duty to which he would devote himself with the greatest earnestness and assiduity.

The EARL of LANESBOROUGH bore testimony to the probity of character which the surgeons of emigrant vessels generally bore. He was happy to hear from the noble Lord the Secretary for the Colonies that he was ready to do everything in his power to provide a remedy in all cases where mal-practices were shown to exist.

The EARL of MOUNTCASHELL replied: He would repeat that in the case to which he had alluded, the surgeon had not done his duty, and that the surgeon was accountable for permitting unrestrained intercourse between the female passengers who were under his care and the crew. No emigrants were allowed to go on board except in sound health, and therefore the mortality of  $1\frac{1}{2}$  per cent on a voyage of four months was to be regarded as a very heavy mortality, which could only have been caused by the badness of the provisions given out. There could be no doubt but that the emigrants were intimidated from making complaints; but the noble Lord would find that the subject would be followed up, and disclosures laid bare, to which he should not at that hour allude further.

EARL GREY said, there was no objection to the production of the documents, but a delay of some twelve months must take place, as the colonies would have to be communicated with in the first instance.

Motion agreed to.

House adjourned to Monday next.

## HOUSE OF COMMONS,

*Friday, March 15, 1850.*

MINUTES.] NEW MEMBER SWORN.—For Sligo County, Sir Robert Gore Booth, Bt.

PUBLIC BILLS. 1<sup>st</sup> County Rates; Mutiny; Marine Mutiny.

*Reported.*—Estates Leasing (Ireland).

## WAYS AND MEANS—THE BUDGET.

On the Motion of the CHANCELLOR of

the EXCHEQUER, the House resolved itself into a Committee of Ways and Means, Mr. BERNAL in the chair.

The CHANCELLOR of the EXCHEQUER: Mr. Bernal, I have to ask the indulgence of hon. Gentlemen, for I am really not very well able to address them, and I must take this opportunity of assuring them how deeply sensible I am of the kindness and forbearance which the House has exercised towards me during my long and unavoidable absence. I have taken the earliest opportunity in my power of coming down to the House, in order to make that annual financial statement to which it naturally attaches so much importance. I must ask for the indulgence of the Committee also in another respect, for although many of my hon. Friends behind me are always anxious for a very early exposition of the budget, I must repeat what I have before stated to the House, that it is frequently impossible at an early period of the Session to form estimates which can be relied upon as correct, with the confidence which ought to be placed in all statements of this kind. In ordinary years it is the first duty of the Chancellor of the Exchequer to compare the reality of the financial year after it had closed, with the estimates which he had previously framed of it, and, guided by that experience and the knowledge of the probable state of trade for the year, which those conversant with the subject can generally form in the course of the spring, to state what he firmly believes will be the probable income of the year. Another reason for the postponement, until a later period, of any such statement is, that it is necessary to vote the Navy, Army, and Ordnance excesses of the former year, if there should be any. Now, at a very early period of the Session, the accounts of two of these departments are not made up, and it is impossible to know whether there will or will not be any excess in those branches of the public service in the previous year, and, if there be such excess, what will be its amount. It is, of course, very possible to make an estimate at any time of the year. But what is valuable to the House is, that the estimates shall be certain—that the person who states them to the House may confidently say that he believes that statement to give a fair and true view of the case, and that the House may be able to rely upon the facts and figures which he lays before it. Now, last year, it would

have been impossible to frame anything approaching to a correct estimate, were I to have addressed the House at so early a period as the present. This year I am happy to say that the circumstances are different, and it is very desirable in present circumstances that I should, as early as possible, state the views of the Government as to the financial condition of the country, and thus enable the House to sanction or to reject the proposals which on behalf of the Government I have to lay before it. When I say this, however, I must be understood as claiming allowance for certain possible contingencies, which of course no foresight can possibly provide against to their full extent. I have indeed to lay before the Committee to-night two estimates—one of our income and expenditure up to the 5th of April, 1850; and the other of our probable income and expenditure up to the 5th of April, 1851. In preparing these calculations I have been assisted by one of the most able public servants this country ever possessed—by a gentleman whose death I only learned this morning—and which I now deeply lament to have to announce. Those who have been my predecessors in the office which I hold, well know that no more zealous, more efficient, or more faithful, servant of the public ever existed than Mr. Brooksbank. It was only the day before yesterday, that I received from him the final calculations which I am about to lay before the House. This morning, to my unaffected sorrow, I learned that he was no more. When last summer I laid before the House my estimate for the financial year now drawing to a close, I calculated the probable income at 52,262,000*l.* Hon. Gentlemen have had in their hands the balance-sheet made up to January last. Up to that period the income, excluding the unclaimed dividends, was 52,874,000*l.* The receipts, however, during this present quarter are not so high as those of the corresponding quarter last year; so that I take the probable income of the financial year, ending the 5th of April next, at 52,785,500*l.* The estimated expenditure for the year was 52,157,696. The actual expenditure up to the 5th of January, was 50,853,622*l.*, forming, as the House will perceive, a very considerable reduction upon my estimate of expenditure made in June last. The actual expenditure, however, up to the 5th of April will be still less than the amount up to January. It

will be, I believe, only 50,533,652*l.* This estimate of expenditure may, however, be affected, according as it happens that the sum taken for naval excess of last year yet to be voted, is included in the expenditure of next year or of this. Sometimes the amount falls in one and sometimes in the other year; but leaving it out of the question for the present, the surplus of income over probable expenditure will be two millions and a quarter. The probable surplus, which I anticipated last year, was only 104,000*l.* But the House must not be led away by the notion that this surplus arises entirely from excess of revenue over expenditure in the year, because a certain portion of the expenditure included in the estimates of this year, and properly chargeable upon the supplies of this year, was actually paid in the year ending the 5th of April last, the actual surplus of revenue over estimated expenditure being really 627,000*l.* The income actually received has exceeded the estimated amount by 523,000*l.* With regard to expenditure, the Committee will see that we have not been unmindful either of our own professions, or regardless of the recommendation to economy which the House was good enough to give us. The expenditure has been less than I estimated it at by 1,625,000*l.* Of that sum I believe that 400,000*l.* may be put to the account of excesses paid last year, thus lightening the demands upon this; so that the actual expenditure may be estimated as being less than the estimated expenditure by 1,225,000*l.* In every instance in which we found it possible, we have rigidly attended to the claims of economy, and reduced the expenditure by every means in our power. Now, Sir, with regard to the estimates for the present year, I am afraid I cannot encourage the House to hope for results quite so favourable as those which I have stated as to the estimates of last year. In the first place, I am afraid we must look to a considerable falling off in the Customs revenue, mainly arising from one or two causes easy to point out. First, there is the reduction upon the duty on sugars; and there are also one or two other items on which I do not anticipate so large a consumption as we have had during the financial year now near its close. The loss upon sugar from April, 1849, to the 5th of March, 1850, amounts to 626,000*l.*; however, I cannot look upon that as affording any accurate test of the pro-

bable state of matters in this respect next year, as, owing to the delay in passing the resolutions which I moved in the year 1848, a large quantity of foreign sugar, paying high duties, was entered in that year, and has pressed upon the market till very recently, and hence the subsequent entries of foreign sugar have been diminished. Still, however, on the 5th of July last, the duties both on foreign sugar and colonial sugar were reduced. They will be again reduced on the 5th of July next; and, therefore, I cannot calculate on the same amount of receipts from sugar as in last year. The anticipations, however, I may remark, of those who thought that our colonies would be overwhelmed by an importation of foreign sugar have hitherto proved to be altogether without foundation. The increase of entries are entirely of colonial, the decrease of entries entirely of foreign sugar. I saw the other day a paper from Dutch Guiana, giving an account of the extreme state of distress existing there; and it is remarkable enough that the means recommended there in order to cheapen production is by abolishing slavery. In one or two items there has been, last year, an extraordinary increase of consumption—an increase which I do not think will be maintained. One of these articles is brandy, in respect to which there has been an increased consumption in the year ending January last over that ending at the corresponding period in 1849 of no less than 577,000 gallons, producing an increase of the revenue of 443,000*l.* This great increase was not attended by any corresponding decrease in the consumption of other spirits—that of gin, rum, and British spirits having likewise increased. The increase, as respects brandy, is attributed to the alarm which prevailed during the presence of the late fatal epidemic, and which led to an increase in the consumption of the higher class of spirits. It is not likely, therefore, that the same consumption will be maintained. Another item which last year produced a considerable amount of revenue was the extensive import of corn; and this is also an item which I do not think at all likely to produce this year the same amount as it contributed to the Exchequer during the financial year ending April, 1850. I stated at the beginning of February the enormous decrease in importation which marked the close of the last year. There continued to be a corresponding decrease throughout

the month of January. I find from the weekly returns of the Custom-house, that this decrease has gone on through February; so that against 485,000 quarters of wheat imported in February, 1849, there is only an importation of 146,000 quarters in February, 1850, showing a decrease of 339,000 quarters in the month. Again, taking corn and flour of all sorts, the importation in February, 1849, was 949,786, while that of February last was 268,135 quarters; showing a decrease of more than 681,000 quarters in the corresponding periods. The fact is, that, as the present prices are not remunerative to the importer, it is not probable that importation to the extent of that of last year will go on. Taking, therefore, these facts into consideration, I think it will be prudent to reckon on a reduction in the Customs revenue. The probable receipts of Customs to the 5th of April next, may be taken as 20,500,000*l.*—deducting 475,000*l.* for the duty on corn, there will remain as the receipts from all other articles, 20,025,000*l.* The probable loss in sugar and brandy may be from 400,000*l.* to 500,000*l.*; and allowing for some increase in other articles, I take the probable receipts for all articles entered at the Custom-house during the next year, exclusive of corn, at 19,750,000*l.* Corn I will take at the same amount as I estimated it at last year, which I believe to be reasonable, namely, 250,000*l.*; so that the probable receipt from Customs duties for the next year may be stated at 20,000,000*l.* In respect to all the other items of revenue, I am happy to state that I entertain well-founded expectations of increase. The Excise last year produced 13,980,000*l.*: for the ensuing year the revenue which I anticipate, is 14,045,000*l.* The Stamps and Assessed Taxes, I take at the same amounts as they have produced this year, namely, stamps 6,860,000*l.* and assessed taxes 4,320,000*l.* The Income Tax amounted last year to 5,408,000*l.*, and I may take it for the ensuing year at 5,410,000*l.* I take the Post-office at the same amount as last year, namely, 820,000*l.* From the Crown Lands I anticipate 160,000*l.* The Miscellaneous sources of income I put down at 260,000*l.* The sale of old stores, at what they produced last year, namely, 410,000*l.*; making in all a probable income of 52,285,000*l.* Upon the expenditure side of the account there are the interest and management of the funded debt, amounting to

27,700,000*l.*; the interest on Exchequer-bills, 405,000*l.*; making a total charge for debt of 28,105,000*l.* The civil list and other charges on the Consolidated Fund will amount to 2,620,000*l.* The Naval Estimates I take at the sum in the estimates, namely, 5,849,423*l.*, and the vote for packet service at 764,236*l.*; making the total sum requisite for the naval service 6,613,659*l.* The Army Estimates I take at 6,019,347*l.*, the Militia Estimates at 110,000*l.*; and the Commissariat at 500,000*l.*; making a total amount for the Army of 6,629,347*l.* The Ordnance Estimates amount to 2,434,417*l.*; thus the Naval and Military Service Estimates made up a grand total of 15,677,423*l.* The Miscellaneous Estimates of last year amounted to 3,989,000*l.* I will take them for this year, in round numbers, at 4,000,000*l.* This sum, with the debt, the charges on the Consolidated Fund, and the estimates which are already upon the table of the House, will make an expenditure for the year of 50,613,582*l.* That sum will not, however, cover the whole of the probable expenditure of the incoming financial year. In compliance with a wish very generally expressed in the House, an increased vote is to be proposed for the construction of the new Houses of Parliament. And if the Bill of my right hon. Friend the President of the Board of Trade in reference to merchant seamen be sanctioned by the House, it will entail an outlay of about 30,000*l.* At the same time, it is very desirable that we should commence some building for the safe keeping of the records of this country, and a vote will be called for if a satisfactory termination should be arrived at of arrangements now under consideration for the packet service. The Arctic expedition will call for a certain amount of expenditure; and there are also some two or three small items of expense which we may have to incur. To cover all these possible demands, I propose to take a margin of from 150,000*l.* to 200,000*l.* If I take the former sum, it will make a grand total of expenditure of 50,763,582*l.* The surplus would then be 1,521,418*l.* If I take the latter, the surplus will only be 1,471,418*l.*; so that the probable surplus may be taken, in round numbers, as 1,500,000*l.* I come now to the important question of how I am to deal with this surplus. The balance sheet in January last made known to the country the probability of there being a certain sur-

plus likely to be found in the Exchequer; and since then persons of all classes have been very anxious to save me the slightest trouble in finding out a way for its disposal. Hardly was the balance-sheet out, when my noble Friend and myself received a large deputation of gentlemen interested in the reduction of the duties on tea. They stated, and with great truth, that it would be a great advantage to the consumer of this country if the duty on tea could be reduced; that such a step would lead to a large increase of our trade with China; and that, after some time, the revenue would in all likelihood rise again to the same amount as at present. Now, I am not disposed to deny that there is a great deal of truth in these representations. Under ordinary circumstances, I believe it to be the wisest course to reduce those duties which interfere with the consumption of the articles on which they are laid. In such cases it may often happen that while the consumer is materially benefited, the revenue will speedily recover its former level. The tea duty is a fair specimen of this class of duties. But in order to attain this end in the instance of tea, it is necessary that the House should resolve not to dispose of small surpluses. The amount of duty paid upon tea last year was 5,471,000*l.*; and we may, in round numbers, take the probable revenue arising from the article up to the 5th of April as 5,500,000*l.* The duty is at present 2*s.* 2½*d.* per pound. Now, the revenue which would be raised upon the quantity now imported, were the duty lowered to 1*s.* per pound, would produce only 2,500,000*l.*, leaving, therefore, a first loss of 3,000,000*l.* for the revenue to recover from—a decrease which would require the importation of 10,000,000 lbs. additional to reduce the loss of revenue even to 2,500,000*l.* To justify such a step, then, as the reduction of the tea duties, we ought to be in possession of a surplus of at least 3,000,000*l.*; and unless some opportunity be afforded of realising such a surplus, I cannot see how the reduction proposed to be applied to the tea duties could be undertaken with safety to the revenue. The next proposition which I received was couched in the shape of remonstrances, to the effect that it was quite impossible that we should be sincere in our professed anxiety for sanitary reform unless we were prepared to repeal the duty on windows, bricks, and soap. The sum total of these three items



of revenue is 3,275,000*l.* — twice the amount of the surplus on which we can calculate. Then, I have had various propositions for the repeal of taxes of smaller amount. Among these were the paper duties, amounting to 745,000*l.*; the advertisement duty, coming to 157,000*l.*; and the stamps on attorneys' certificates, amounting to 120,000*l.* Now, I do not mean to say that there are not good arguments to be used in favour of the reductions of these duties; but this I do say, looking as we ought to do at the interests of the great body of the people, that I do not think that these duties have the first claim for consideration. Then there was a proposition made for a reduction of the duty upon timber used for building ships—though looking to the probable amount of revenue derived from this source, I certainly was not prepared to find so much importance attached to it, believing, at the same time, as I do, that our ships are the cheapest built vessels in the world. I admit, however, that the vote of the House of Commons has put this question in a different position. I have not, however, unfortunately, had an opportunity of communicating with the parties interested, so as to ascertain precisely their views. There is, I am afraid, only one mode of attaining the object sought, and that is, in many respects, a most objectionable one—by means of a drawback. It must be remembered that the subject is beset with difficulties. The difficulty varies very much, whether it is confined to timber used for building ships, or if it extends to that used for repairing them, or to that used for boat building. Other claims for similar indulgence have also been made, and there is the greatest difficulty of exercising an efficient check as to the purpose for which the timber is introduced. I can only say, however, that I will carefully consider the various proposals—that I will do so without loss of time; and I have only to beg that the Gentlemen who are interested will not press me for a decision until I shall have fully communicated with those parties on whose judgment I can best rely as to whether it is possible, consistently with a due regard to all these circumstances, to attain the object in view. Sir, an hon. Friend of mine—I do not know whether he is in his place—has given notice of a Motion for the total repeal of the malt tax. That tax produces a sum of 5,225,000*l.*; and it must be ob-

vious to the hon. Gentleman that, without providing some substitute, it would be quite impossible for a Chancellor of the Exchequer to part with revenue to so great an amount. I shall not add one word more upon the subject, however, as the matter stands for future discussion, excepting to repeat that it is impossible for me, under existing circumstances, to accede to the proposition, if I pay any regard to the public faith and the public credit. Well, Sir, the next proposition made, came from an hon. Gentleman whose absence I am sorry to observe. That hon. Gentleman proposes to transfer to the Consolidated Fund a very large annual charge now defrayed by local taxation. I cannot estimate the amount of the charge which he proposed to transfer to the general revenue at less than between 2,000,000*l.* and 3,000,000*l.*; I may put it at 2,500,000*l.*; and let it not be forgotten that when this scheme was broached, we were distinctly warned that it was but the first of a series of similar propositions, and that the ultimate object of its supporters was to restore the protective system, to the repeal of which they attribute the distress of which they now complain. But take the proposal as it was actually made. It was one which I was sorry to see supported by such numbers, and such names; because, looking at the matter dispassionately, more so perhaps than those can who took part in the debate, I can see it in no other light than the first decided step towards the reversal of a policy which has now been pursued for the last twenty years. I have stated the probable surplus as about 1,500,000*l.* Now, if we place upon the Consolidated Fund a burden of 2,500,000*l.*, there will be at least 1,000,000*l.* of additional taxation to be imposed. What are these taxes to be? The noble Lord, long the most prominent Member of the party opposite, uniformly advocated a system of duties levied upon all imports. And the hon. Gentleman who has succeeded that noble Lord in the position which he occupied, has stated publicly his adherence, and, as I understood him, that of his party, to the same line of policy. Will they, amongst their import duties, omit one upon corn? Not so at least the gallant Member for Christchurch, who proposed the other night a duty of 5*s.* per quarter on foreign wheat. But the imposition of a duty on corn, and upon the great articles of national consumption, would be the re-

versal of the policy which has prevailed in this country during the last twenty years. Now, I have been in the House long enough to remember a very remarkable speech delivered by Mr. Huskisson in 1830. After referring to various circumstances in proof of the accumulated and accumulating wealth of the richer classes of this country, and contrasting it with the state of the lower orders—classes which he contended were improving, but not in the same proportion as those above them—Mr. Huskisson pointed to the irresistible conclusion of the propriety and the justice of removing from the poorer classes some of the weight of that taxation which they bore, and transferring it to the richer portions of the community. From that time to this the carrying out of this principle has been the ruling guide of the commercial policy of the country. We have repealed the duties and restrictions imposed to favour one particular interest—the most burdensome of all taxes, imposed not for the benefit of the Exchequer, but for that of a class. We have likewise repealed or reduced many duties imposed upon articles of general consumption, and upon the raw material, which furnishes employment to the great masses of the community. These changes have been carried to an extent which some hon. Gentlemen seem hardly to be aware of. Between the year 1840 and the period of the retirement from office of the right hon. Baronet opposite, there have been repealed, or reduced, duties of the class in question, amounting to not less than 7,600,000*l.* Since the latter period, the same line of policy has been pursued. I have reduced the duties payable on copper and one or two other articles to the extent perhaps of 50,000*l.*, while the amount of our reductions of the duties on sugar, colonial and foreign, by the operation of the Act of 1848, including the reduction of this year, cannot fall short of 1,050,000*l.* Thus a sum of 8,650,000*l.* may be stated as having been removed from the price of articles of general consumption since 1840. It is difficult to give an idea of the extent to which the removal of the duties upon foreign sugar by the Act of 1846 has operated. The removal of a prohibitory duty gives no data to calculate consumption from; but taking the reduction as being from 6*s.* to 2*s.*, that is, as being almost 2*l.* per cwt., and estimating that sum as saved upon the average consumption of foreign sugar imported during the last three years, the result

cannot be less than about 1,600,000*l.* How am I to estimate the relief to the consumer afforded by the repeal of the corn laws? How am I to estimate the relief indirectly, but as certainly, afforded by the removal of various restrictions? I have stated in figures relief to the amount of 10,000,000*l.*; but if I took a sum including several millions more—as the amount of relief afforded since 1840 upon raw material, or articles of general consumption, for the benefit of the community at large, I should, I think, take a low estimate of the effects of our commercial policy. The latter part of Mr. Huskisson's views was carried out by the imposition of the property tax in 1841, now producing 5,400,000*l.* And again, let me remind the House that all these measures for the remission of taxation have been successively approved of by large majorities in Parliament. But will it be contended that the state of matters pointed out by Mr. Huskisson has materially changed since his day? Mr. Huskisson referred to various proofs of the accumulated capital of the country. But are not these proofs still to be found in the yet rapidly increasing size of our large towns, especially of this great metropolis, and in many other indications of our national growth? Since Mr. Huskisson lost his life at the opening of the first of our great railways, we have invested upwards of 220,000,000*l.* in railway construction; and of this sum, the amount which has been so invested within the last five years—years which are generally spoken of as having been fraught with great loss to the trade, commerce, and capital of the country—has been 148,000,000*l.* I do not think I need refer to more conclusive proofs of the accumulated wealth and capital of this country. But I am afraid that in the position of the working man I can present no proofs of an improved condition that are at all to be compared with these. It is, I think, the distinguishing mark of the present day—and a very creditable one it is—the attention that is now so generally paid to the condition of the poorer classes, and of the labouring man. But looking at the reports made by the Factory Commission, the Tithes Commission, the Sanitary Commission—looking at almost the last report that has been laid upon the table of this House by the Gentlemen who have been appointed to inquire into the working of the law of settlement—I am afraid we must confess that the richer have improved

in a far greater degree than the poorer classes. The argument which Mr. Huskisson used is of as great—I should say of much greater—force now than it was at the time he employed it. And yet, in the face of all this, a proposition very recently received the support of more than 250 Gentlemen in this House, which went to relieve property from taxation, and to impose it upon articles of consumption, or on the materials that are employed in manufactures. And it is remarkable enough also that the effect of the proposal made avowedly only for the purpose of relieving the agricultural classes, would have been to relieve a still greater amount, in the proportion of 11 to 9 of that description of property, the owners of which have no claim to relief whatever, and have not even asked for it. I must say, that if many of those hon. Gentlemen who voted for that proposition had fairly considered, I will not say its distant, but its immediate, effects, they would, I think, have hesitated before they gave that vote; for it is my firm conviction, that the great majority of this House have no intention of reversing that line of policy which we have of late years pursued. My belief is, that this policy is just and right, and that though, during the last three or four years, adverse circumstances have prevailed—the famine in Ireland, the commercial distress in this country, and the universal interruption which has occurred to the ordinary course of trade on the Continent—yet, now, I hope, we have begun to reap the fruits of the policy we have adopted. I believe that we now see its good effects in the state of general well-being prevailing throughout the country; and that this will react throughout, and will lift from its temporary depression that interest which is at present alone suffering. Whilst I think that the measures proposed for the relief of that interest were not wise in themselves, or calculated to benefit the country at large, yet I am not ignorant of, nor insensible to, that depression which exists. I confess that I still think that the complaints which were made throughout the country during last autumn were a little premature, and a little exaggerated, yet I am ready to admit that the price of corn is lower than I anticipated it would be, and that this low price has continued for a time beyond what was expected, even by those who took the least sanguine view of affairs. But it is clear that the present low prices are hardly to be attributed to

the repeal of the corn laws. I referred on a former occasion, and I repeat to-night, that the importations of foreign corn have fallen off to an enormous extent; and I also stated before, that the fall of prices in France, a country whose corn laws have not been altered, where they have had the benefit of our demand, in addition to their own, has been far greater than in this country; and I saw only yesterday, a report which has been presented to the President of the Republic from the general commission on agriculture, manufactures, and commerce, in which they speak of the state of the agriculture of the country in terms as desponding as any that have been used at our county meetings. They state that agriculture is subjected to a severe trial in consequence of the low price of grain, and all the products of the soil, and they go on to speak of the intense privations endured by the agriculturists of that country. Now, it is obvious that the low price of corn in that country is not to be attributed to the importations of foreign corn. The consumption of other articles in ordinary use was much increased, and I presume that the consumption of bread and meat cannot have diminished. I believe, therefore, that the low prices which prevail in both countries must be attributed to some common cause. I believe that the solution of the question is exceedingly simple. There, as here, the harvest has been unusually abundant; and though no doubt the price in this country may have been lowered during last year to some extent by the importation, I think that the great diminution of imports for the last five months shows that this cause can hardly be now in operation, and that, at anything like present prices, that large importation cannot be continued. It is to be observed that the importations we have received to so great an extent beyond what was anticipated, have been from the countries in our immediate neighbourhood, which are not usually exporters of corn. If I look to what the prices in these countries were, I find that in France the average price of wheat per quarter, for the eight years ending 1845, was 48s. 1½d.; in Belgium, the average price for the seven years ending in 1845, was 49s. 5d.; at Amsterdam, the average price for six years, ending in 1845, was 48s. 10d., and two-thirds of a penny. I have excluded the years following 1845, which may be called the famine years. I have taken those only which ended be-

fore the extraordinary demand for corn arose, and in those years we find that the average price in those neighbouring countries whence we are at present deriving so large a supply was not under 48s. per quarter. I fully admit that the recent change in the law has enforced upon all classes connected with agriculture the necessity of making great exertions to maintain their position. I believe that it will require the united energy and exertions of all classes to meet those changes. I am firmly convinced that the energy of the British agriculturist will finally surmount those difficulties; but I do not deny—I do not think anybody can deny—that in this great struggle there are many who will fall. I never have denied that such was my opinion. I said before, and I repeat, that I know of no great improvements—I may say, no improvement in any department whatever—certainly of none in the trade or commerce of this country—which is not accompanied with loss and distress to many classes. It is notorious that such is the case in carrying out any improvement whatever. To take a very familiar example, is it not notorious that the railways have displaced a great number of persons who formerly gained an honest livelihood by their exertions? Are not we, who live at a distance from London, acquainted with large establishments, on all the great lines of road, which have been broken up in consequence of the change in the mode of travelling? We find inns shut up on all those lines of road; capital displaced, and numbers of persons deprived of their former mode of gaining a livelihood. But would anybody condemn railways on that account? It is matter of deep regret that anybody should suffer on account of a general improvement; but nobody would think of putting a stop to improvements on that account. Those who suffered by the change were no doubt entitled to all our sympathy, and those who are engaged in the struggle are entitled to all the encouragement which can be afforded them consistent with the general good and well-being of the community. I will not say more upon the various propositions which have been made by other parties as to the disposal of the surplus. I will now proceed to state the views of the Government. I thought it necessary, however, thus far to refer to the propositions which have been made, because no doubt some of them may be made again in this House, and I thought it better that I should at once state our

views upon them, in the hope that if the House should approve of the propositions which I am about to make, it might save future discussions upon some of them. The surplus, I have already stated, is 1,500,000*l.*, and I confess that, looking back to what has taken place during the last two years, the first object I had in view was, that we should effect some reduction of the debt. I do not mean now to refer to the great question of reducing a large amount of the debt. Hon. Gentlemen are aware, that by means of the terminable annuities considerable relief will be afforded to the country in the course of the next fifteen or twenty years; and it may be worth while, in ordinary times, to consider whether any further steps in the same direction cannot be taken. But, at present, I confine myself to the debt of recent times, and I will not go so far back as to the proclamation of the general peace, because during some years after that time measures were necessary to wind up the accounts of the expenditure incurred by that great war. Hon. Gentlemen need only refer to the last twenty years, and in what has happened in those years, I think that they will see ground enough why we should not be indifferent to the debt. In order to simplify the matter, I shall omit all reference to the falling in of annuities, or charges in the description of our debt. I propose simply to state the money that has been borrowed on the one hand, and the money that has been applied out of surplus income on the other, to the reduction of the debt. There was borrowed in 1833–34, 20,000,000*l.* on account of the West Indian Slave Emancipation Act. There was borrowed to defray the successive deficiencies of the years ending in 1841 the sum of 5,000,000*l.* I was obliged, by the necessities of the sister country, to borrow the sum of 8,000,000*l.* in 1847, and when the House refused to increase the income tax in 1848, I borrowed, in order to defray an expenditure which, though extraordinary for one year, yet was not extraordinary in a series of years, the sum of 2,000,000*l.*; making, in all, up to last year, the sum of 35,000,000*l.* borrowed. I find, on the other hand, that all the money applied out of surplus to the reduction of the debt during the last twenty years, amounts to 8,000,000*l.*, leaving an increase in the debt of no less a sum than 27,000,000*l.* I say that this state of things ought to make us careful



what we do, as regards the reduction of taxation. In the year 1848, when the House refused the proposition we made to them to increase the income tax for a period of two years, I certainly was in hopes that they would not, the moment there came a surplus, instantly urge upon us that the whole surplus should be devoted to the reduction of taxation. What should we think of the conduct of a private man who, whenever he found his income fall short of his expenditure, borrowed, but who never thought of paying off his debt, when, by some fortunate turn of affairs, his income happened to exceed his expenditure? I must say that if we hope to maintain the character as a nation, which we consider indispensable in an individual, we ought, at least in a time of profound peace, to keep down our debt, and not go on, year after year, expending all our surplus. Now I may just refer to a proposition which was made the other day to the effect that it would be utterly absurd to apply a surplus of 2,000,000*l.* to the reduction of debt. If there were a surplus of 10,000,000*l.* then it might be worth while to make a reduction; but with 2,000,000*l.* it would be altogether useless to attempt anything of the kind. Well, but if these arguments are to prevail, how are we ever to reduce the debt? I believe it is impossible that we should ever be able to reduce to the full extent of 10,000,000*l.*: but admitting for the sake of argument that this reduction might be made, it is quite impossible that it could be done in any single year. I will assume then that it might be done in successive years. I will say in five years, at the rate of 2,000,000*l.* per annum. But, according to this proposal, each successive surplus of 2,000,000*l.* would be altogether applied to reduction of taxation, and the hoped-for surplus of 10,000,000*l.*, which alone is to be applied to reduction of debt, never could arise. My hon. Friend the Member for the West Riding will forgive me for saying, that I fear his scheme for diminishing the debt, however honestly proposed, would be only as illusory as others have been. There is another consideration that deserves the attention of the House, and that is, that in the course of the ensuing year, the important question will be brought before the House as to the renewal of the income tax. In what disposition Gentlemen may find themselves next year with regard to the income tax, it is not for me to say;

but it must be obvious to those who object to that tax, or to any part of it—it must be obvious to them, that if in the case of every surplus there is to be a corresponding reduction of taxation, they must make up their minds to the continuation of this tax. There is another, though a minor consideration, in favour of maintaining a considerable surplus, and which has been alluded to by the hon. Member for Buckinghamshire—I mean the advantage to be derived by the agricultural classes from the maintenance of a high state of the public credit. He stated, that to that interest it was of importance that there should be abundant available capital in the country, and a high state of credit. Whether they were engaged in the sale of an estate, or in borrowing money for the purpose of improving it, the state of general credit was an important element, and the state of credit was affected by the existence of a surplus in the public exchequer. I am sure hon. Gentlemen from Ireland will remember how important it is to that country that capital should be abundant. I remember perfectly well that in the course of a debate in 1845, an honourable Member, the late Colonel Conolly, stated of his own knowledge that the high state of credit produced by the income tax, and the other measures proposed by the right hon. Gentleman opposite in 1842, had been of the utmost benefit in enabling gentlemen in that country to relieve their estates from encumbrances, and to employ labourers on their land. He stated that he was acquainted with several persons, his own personal friends, who by the reduction in the rate of interest consequent upon those measures, had relieved their estates from embarrassment, and had been enabled to engage in extensive improvements. I believe it is notorious that in 1847, when the rate of interest rose so high, more than one estate was brought to the hammer by the enhancement of the rate of interest on the encumbrances on the property. I agree, therefore, with the hon. Member for Buckinghamshire, that it is for the advantage of the landed interest that a high state of credit should be maintained, that capital should be abundant; and he stated very truly that these objects are very much furthered by the existence of a surplus in the exchequer. I shall state a further reason by and by, but I do think it is most essential, for the reason I have given, that a considerable surplus should

be maintained. Nevertheless, I am not prepared to say that it would be proper at the present time that we should retain the whole amount of the surplus. I feel that there are peculiar circumstances existing which demand that some relief from taxation should be given, and that if possible measures should be adopted which would to some extent relieve those who are most in want of it at this moment. The first measure which I shall propose is one which I hope will be of some benefit to those who have been represented, and I believe truly so, as parties who are not the least distressed—I mean the small owners of land. I cannot recognise the identity—at least as regards the measures required for their relief—that has been claimed for all parties connected with the land—the owners, occupiers, and labourers. I stated last year, and I believe truly, that as far as the occupiers of land are concerned, a reduction in the rates would not be of permanent benefit to them. I believe that any benefit of that kind would eventually go to the owner, who would at any rate make a smaller reduction of rent, if reduction was necessary, exactly in proportion to the relief which his tenant had obtained by the reduction of the rates which he had to pay. Any benefit to the occupier of land must arise either from a reduction in his rent, or, what I believe would be of still more advantage, an improvement in the condition of his land by his landlord. That I believe would be by far the wisest course. So, again, with regard to the labourer. He has got the benefit of cheap food—what he requires now is constant employment. I stated at an early period of the Session, that taking England throughout, I believed employment was more general then than it was at the corresponding period of last year. I have no reason whatever to think that circumstances have altered since then. I believe, on the contrary, that employment is upon the whole—I speak of the agricultural districts, and taking England throughout—that employment is more general now than it was at the corresponding period of last year. I am disposed to think that the improvement in cultivation will materially increase the employment of the labourer, and still more so if that be done which it is not only the duty but the interest of the owner of land to do, that he should take measures for so improving the cultivation of the land, as to cheapen and increase the production of the land, on which his own welfare and the welfare of

the country depends. Of course this can only be obtained by an outlay of capital on the part of the owner; and as the hon. Member for Buckinghamshire well explained it, that capital can only be raised by parties who have no adequate means of their own, either by selling a portion of their estate, or by borrowing. I concur with all that was stated by the hon. Member on that subject. I believe that the smaller landowners are quite as much in debt as their richer neighbours; quite as much under the necessity of borrowing or selling, for the purpose of raising the means of improving their property. But an obstacle exists in their case, which does not apply to larger transactions. This subject was referred to in the report of the Lords' Committee which sat on the subject of the burdens on land in 1846. I find that they attributed considerable importance to the obstacle which the Stamp Act interposed to persons making a transfer of small portions of land. They referred to important evidence given before them, from which it appeared that the stamp on the sale of a portion of land worth 50*l.* amounted to 12½ per cent; on a piece of land worth 100*l.* to 5 per cent; on 300*l.* to 2½ per cent; on 500*l.* to 1*l.* 14*s.* 3*d.* per cent; and to all portions above that sum to one per cent. It is obvious that this arrangement is unjust to the small owner, and that an obstacle exists in his case which does not exist in the case of his richer neighbour; and that it is only fair now to place him on an equality with his rich neighbour, that he may be enabled to sell or borrow without the obstacle which the present stamp duties impose. Hon. Gentlemen will remember the repeated Motions that have been made for the exemption of sales of land from the stamp duties. I remember that a Motion was recently made to exempt the sale of small portions of land in Ireland from these duties, and that the hon. Member for Oxfordshire then observed that it would never do to apply such a measure to one portion of the kingdom—that it ought to be applied over the whole country. I entirely concur in this view, and the first proposition I have to make to the House is, that there should be a considerable reduction in the stamp duties on the transfer of property up to 1,000*l.*, and that for the transfer of properties above that sum there should be an approach as far as possible to an equitable scale of duty. I propose that a similar course should be taken with regard to

mortgages and bonds—that there should be a reduction in the stamp duties on bonds and mortgages of all properties under 1,000*l.*; and that there should to some extent be a proportionate increase on the upper sums, these being levied in an exceedingly unjust manner. I propose that there should be as nearly as possible an uniform *ad valorem* rate of duties substituted for the present system—not, indeed, an *ad valorem* increase for every pound additional that a property may be worth, for that would give rise to great inconvenience, but a duty rising with every additional 25*l.* on the smaller accounts, and with every additional 100*l.* on the larger. Some persons attach great importance, much more, certainly, than I do myself to granting leases. There are cases, however in which the benefit of a lease is unquestionable. Where a landlord is not disposed to lay out his capital on improvements, the tenant may be induced to do so on receiving a better tenure of the land than he has hitherto held; and in order to facilitate the granting of leases, I propose to reduce the stamp duties upon these instruments, which are at present very unequal, to nearly an uniform rate of  $\frac{1}{2}$  per cent. I have already stated that I was anxious, also, to improve the condition of the labouring classes; and I know no manner in which we can benefit them more than by improving the condition of their dwellings. I must refer again to that document to which I have already alluded—the report of the commissioners appointed to inquire into the operation of the law of settlement—as setting forth not only the mischievous effect produced upon the condition and the morals of the labouring classes by the present law of settlement, that is not the question which I wish now to go into, but pointing out the deteriorating effect produced upon his character and morals, and upon those of his family, by the condition of the dwellings of the poor. I was never more struck than by the account of the mischief arising from this cause contained in this document, confirmed, as I am sorry to say it is, by the testimony of all those who are acquainted with the general state of the labourers' dwellings. I have paid a good deal of attention to this subject, and I am satisfied that it is nearly impossible to build good cottages for the poor at a rate that shall afford adequate remuneration. Landlords may, and I know that many of them have, expended money to a consider-

able extent in building cottages for the benefit of their labourers, and without hope of remuneration. They may, and I believe do, derive advantage from the improved moral condition of the peasantry; but it is impossible to expect that measures of this kind can be general unless a remunerating rate of interest can be obtained for the outlay of capital. Whether this can be accomplished under any circumstances there may be some doubt; but I think that, at any rate, we ought not to impose any legislative obstacle in the way. My hon. Friend the Member for Montrose has moved for a drawback on the duty on bricks employed in the building of labourers' cottages. Now, I need not say that there are great objections to a drawback in general, and certainly in the mode in which he proposes it, I believe that it would be utterly impossible to carry it out. But with a view to increase the comfort of the cottages of the poor, and with a view to the general health of the country, I am prepared to propose the total repeal of the duty on bricks. I find that this subject, too, has occupied the attention of the Lords' Committee on the burdens of land, and they state that their opinion is, that such a measure would not only tend to the rapid improvement of real property, but further—and as a measure to which they attach great importance, as I do myself—that it would materially add to the comfort of the poorer classes by the improvement of their dwellings. I believe that, independently of this object which I consider to be of paramount importance, it will be of no inconsiderable importance in promoting agricultural improvement. It is a tax which is unjust, because it is not one which is universal in its application. In many parts of the country—in the part where I live myself—all the buildings are constructed of stone. But there are many parts of the country, especially those districts where, I apprehend, most distress exists—the counties where the soil chiefly consists of clay, and also the eastern counties of England—where the buildings are universally constructed of brick; in which I apprehend that the measure will be of the greatest value to the owners of land, and will very much facilitate their agricultural improvements. I know not whether the hon. Member for Surrey is right in his notion, that it will be necessary to diminish the size of farms, and to increase the number of farmhouses, or whether, on the other hand, it may be advantageous to enlarge farms, and to add

to existing farmsteads, but in either case there will be a necessity for increasing farm buildings, and the repeal of this duty, therefore, is calculated, as far as it goes, to advance agricultural improvements. The amount of the loss which I anticipate to the revenue from these two proposals, will be, on stamps a little under 300,000*l.*, and on bricks about 455,000*l.*, making altogether a loss of 750,000*l.* Hon. Gentlemen will observe, that this amounts to half the sum which I anticipate as the probable surplus of the year. I really was not aware, when I came to the conclusion that it was desirable to reduce the duty on conveyances and on bricks, that I was about to divide the surplus equally between the reduction of these duties and the reduction of the debt; but still I think it is a very fair proposal to make, and therefore it is my intention to propose that half of the probable surplus be appropriated towards the reduction of the debt, and that half of it shall be applied to the reduction of the duties which I have mentioned. But hon. Gentlemen must not suppose that this is the only relief from taxation which the country will receive in the course of the year, because by the operation of the existing Sugar Act the duties on foreign and colonial sugar will be reduced on the 5th of July next to the extent of 350,000*l.*, and therefore the actual relief from taxation which the people of this country will receive during the current year will amount, not to 750,000*l.*, but to 1,100,000*l.* Now, I have another measure to propose to the House, and one which I believe is calculated to promote that which I hold to be an object of paramount importance, and that object is the outlay of capital upon land. I believe that outlay to be deeply important, not only to the agricultural but to the national interests of this country. It is of essential importance that food in this country should be cheap, and it is better that this cheap food should be grown at home than abroad, and therefore I believe that by an increased application of skill and capital to the land, and the consequent increase and cheapening of production, not only the interests of the agriculturists will be promoted, but the interests of the whole people of this country. The proposal which I intend to make to the House, therefore, is to do that which was done in the year 1846, and to make further advances for the purposes of drainage and of land improvements. We had the most satisfactory accounts of the amount of employment given

to the population in consequence of these advances having been made; and not only so, but of the profitable return which the improved condition of the land afforded for the outlay upon it. I might read letter after letter to the House from different parts of Great Britain as well as of Ireland, stating how beneficial they have found the employment of money on estates, but I will not do so, as I believe that the advantage is confessed on all hands. I propose, therefore, to make further advances for this purpose; and I believe that the effect of this measure will not be confined simply to the advances made by the Government. Other parties, I understand, are willing to make advances; and the knowledge that the Government will advance money, will probably tend to reduce the rate of interest demanded. I remember that when, two years ago, the Government proposed to make advances in the Mauritius, to further the shipment of sugar, the merchants came forward and raised the money that was wanted themselves, and we had not to advance a single sixpence. I have received many proposals for extending the purposes to which the money may be applied. I entertain great doubts about this myself, but it will be open to the Committee on the Bill, after full discussion, to determine the objects to which the money is to be applied. The last advances made to England and Scotland, amounted to 2,000,000*l.*; and certainly the gentlemen who live on the other side of the Tweed showed their readiness to avail themselves of the advantages offered by the Government; for out of the 2,000,000*l.* appropriated to England and Scotland, the Scotch, in consequence of priority of application, obtained no less than 1,600,000*l.* A sum of 372,000*l.* was appropriated to England, and a small sum was reserved for contingencies. Applications were afterwards made for advances to the amount of 500,000*l.*, but on its being made known that no further sums would be advanced, the applications ceased altogether. I propose, therefore, to advance a sum not exceeding 2,000,000*l.* to England and Scotland; but on this occasion, I think, we ought to give to the English landowners an opportunity of setting themselves square with the sister country, and therefore it will be perfectly fair to give them a priority in receiving three-fourths of the sum advanced, which, taken in conjunction with the sums received from the last advances, will put England and



Scotland on a perfect footing of equality. With regard to Ireland, I propose making advances to that country also, though not quite for the same purposes. The sum which I propose should be applied to that country is 1,000,000*l.* At the same time, I do not intend to advance the whole of that sum for land improvements. By the Bill of 1847, 1,500,000*l.* was advanced to Ireland for the improvement of the land, and by the Bill of 1849 a sum of 300,000*l.* more, making 1,800,000*l.*; and to this I propose to add 200,000*l.*, which will make in all 2,000,000*l.* advanced within four years for the improvement of the land. But there is another matter the prosecution of which I consider of essential importance to Ireland, and that is arterial drainage. I believe everybody who has been in Ireland has borne testimony to the vast improvements effected by the works for the arterial drainage of the land. To complete the work already in course of execution, a sum of 868,000*l.* would be required. It was intended that the funds for this purpose should be mainly provided from private sources; but in the recent difficulties of Ireland private resources have fallen lamentably short, and not only has great injury accrued to the works themselves in consequence of the delay which has been interposed, involving the necessity for incurring additional expense, but fever also has made its appearance in some districts where the drainage is uncompleted. I believe that no more beneficial application of money in Ireland can be devised than the completion of these works of drainage, but as some private money may be obtained, I do not propose to advance the whole sum required, amounting to 868,000*l.*, but only a sum of 800,000*l.* The sums already advanced for this purpose have been 600,000*l.*, and therefore the whole sum advanced for arterial drainage in Ireland will be 1,400,000*l.* I said that I would mention an additional reason for maintaining a considerable surplus, and that is, that it will enable me to make those advances without any addition to the debt. I hope—indeed I feel confident—that if the House will leave me an adequate surplus, I shall be able to make those advances without making any addition to the public debt. Now, although this course may prevent the immediate application of the whole surplus in successive quarters to a reduction of debt, we are preparing the means which will enable some future Chancellor of the Exchequer to make consider-

able reductions. I hold that the making of these advances by the public is not a system which ought to be permanently continued; and I think that we should put an end to it as soon as possible, and consequently the repayments may soon permanently, and year by year, exceed the advances. I trust, therefore, that whoever succeeds me as Chancellor of the Exchequer, will be able to apply considerable sums from these repayments, to the extinguishment of debt. These, then, are the measures which I have to submit to the Committee. With respect to the articles of stamps and bricks, the remission of taxation upon them will amount to 750,000*l.*, and a further reduction, to the extent of 350,000*l.*, will be gained on the article of sugar in the course of the present year. The relief from taxation will be 1,100,000*l.* There are then advances to the amount of 3,000,000*l.*, which will be made for the purpose of drainage and land improvement, 2,000,000*l.* being for England and Scotland, and 1,000,000*l.* for Ireland. I propose to retain the sum of 750,000*l.*, to be applied either in reduction of the debt, or to meet other contingencies which may arise. Now, out of this sum of 750,000*l.*, I propose to apply, with the assent of the Committee, 250,000*l.* for the extinction of debt, though not in the usual way. From the time of the union with Scotland, a yearly charge of 10,600*l.* has been imposed on this country for what is called the "Equivalent Fund." I find that this debt may be discharged at any time, by the payment of 250,000*l.*, and as a sum of 250,000*l.* would only extinguish 7,500*l.* a year in the ordinary purchase of stock, I think it would be more advantageously applied by extinguishing debt of 10,600*l.* a year. I shall propose, therefore, a vote of 250,000*l.* for this purpose; but though it will appear as a vote, it will be really and truly a clear application of this portion of the surplus to the extinction of a debt.

SIR J. GRAHAM: Who receives this annuity of 10,000*l.*?

The CHANCELLOR of the EXCHEQUER: The Equivalent Company, the chief members of which belong to the Bank of Scotland. I have now left the sum of 500,000*l.*, which I do not propose to touch, because I think that, in ordinary years, it is not safe or right to go on with a smaller surplus. I do not know whether, in the proposals which I have made, I have satisfied Gentlemen connected with the agricultural interest, that Her

Majesty's Government is not insensible to their condition. We feel bound to resist the claims which have been put forward on their part for relief by throwing their burdens on the shoulders of other classes of the community; but so far as relief can be afforded, consistently with the general welfare of the whole community, we are ready and anxious to give them relief; and believing, as I do, that the outlay of capital upon land is the most beneficial course for them or for the country at large, I have gladly come forward to assist them in procuring the capital which they require. I believe that cheap food is indispensable for our increasing millions, and it is certainly better grown at home than imported from abroad. This country has supported itself before, and I do not see why it should not, in a great measure at least, do so again. In order to attain that object, it will require a combination of skill and energy, with a considerable outlay of capital. The former, I am convinced that the British farmer will supply; the latter we are ready to assist him in obtaining. The measures, however, which we have taken are not calculated to benefit the agricultural interest alone, but to benefit other interests as well, and indeed they have long been called for by a consideration of what was required by the public interest; but I think it but fair, when relief from taxation can be afforded, that it should be given to that interest which, at the time, is supposed to be the least prosperous. With regard to the surplus I confess I cannot say how strongly I feel the necessity of keeping a balance in hand. It is no new notion that I have now taken up, because in 1845 I said that when it was in his power, a surplus of less than half a million ought not to be kept by any Chancellor of the Exchequer. During the time, however, in which I have had the honour of holding my present situation, circumstances have not been such as to place a surplus at my disposal to any considerable extent. I have been obliged to borrow, and I confess that I should not act the part of an honest man if I did not now ask the House to support me in retaining the sum of 500,000*l.*; and in asserting the principle of retaining a reasonable surplus for the reduction of debt. I believe it is essential to the maintenance of public credit, with which the security of all property is indissolubly bound up, to maintain an equality of income with expenditure. I do not think that those who call for the reduction of taxation

wish to impair the national credit, or to injure the public credit; but if we are to reduce taxation whenever there is a surplus, and borrow money whenever our expenditure exceeds our income, such a course can only lead—with a nation, as with an individual—to the melancholy result of national or individual insolvency. I confess, that when I call to mind the various claims which have been made from almost all quarters of the House for a reduction of taxation, which at present would be incompatible with the maintenance of public faith, I look, not with apprehension, but with an interest little short of anxiety, to the course which the House of Commons will pursue. I have not sought to retain any large amount of surplus; I do hope and trust that the House will show a firm determination to maintain it in its integrity, and leave untouched and unshaken the fabric of the national faith and honour. The right hon. Gentleman concluded by proposing a vote of 9,200,000*l.* for the service of the year, to be raised by Exchequer bills.

MR. HUME said, that the very gratifying manner in which the announcement of even so small an amount of relief had been received, ought to be a lesson to those who had hitherto been parties to saddling the country with increased charges. He believed that the relief now proposed was a proper relief, but it would mainly serve those who had all along been benefited by excessive taxation. He had, however, expected that the Chancellor of the Exchequer would not have dealt merely with an avowed surplus, but would have endeavoured to show the House why such large establishments were kept up, and why a much larger reduction had not been effected. He wanted to know if this was the only relief the country was to have. The reduction of the duty on bricks, and the equalisation of the stamp duty, he considered to be wise and useful measures; but he had great doubts as to the propriety of lending money to the proprietors of land, whether in England, Ireland, or Scotland. He thought it a bad principle, and one which the House ought not to sanction unless necessity required it. The right hon. Gentleman had shown no such necessity, and indeed it would be very difficult to show it, as long as money could be borrowed at 2½ per cent, which was the case at the present moment. He objected to the mode in which the loans were to be effected. Parliament ought not to inter-

fere with the money market except on the most urgent grounds. The right hon. Baronet the Member for Tamworth had acted in a similar way, but he did so in order to give a sort of compensation for what was supposed to be an injury to a particular interest. But for the present advance no sufficient reason had been assigned, and he hoped it would not meet with the approval of Parliament. He objected to the right hon. Gentleman keeping 750,000*l.* as a margin, in order to enable him to make this advance. The abolition of the window tax was a matter of much greater importance in a sanitary point of view to the people of this country, and he would be prepared to risk even a little deficiency in order to effect that object. The question which ought to be considered was, what was the amount of revenue and what was the expenditure, and could they reduce the latter so as to give relief to the several suffering interests of the country. He believed they could reduce that expenditure by 10,000,000*l.* He would show how this might be done. It appeared from a return of the expenditure incurred since 1828 on account of the effective and non-effective service and civil list, which he had moved for last Session, that the gross revenue in 1848 was in round numbers 57,955,816*l.* The charge of the public debt was 28,563,517*l.*, leaving 29,392,299*l.* The expenditure for 1848, exclusive of the debt, on account of their civil and military establishments, was 30,427,219*l.*, which, deducted from the revenue, left 27,528,597*l.* Now the expenses of all their civil and military establishments, exclusive of the debt, was in 1835 only 20,273,028*l.*, or 10,154,191*l.* less than it was in 1848. He always maintained that their establishments had been increased unnaturally. They had risen after 1827, in consequence of the cash payments and the decrease in the value of money, when salaries and expenditure had been raised to an inordinate degree. At the very time that the expenditure had been thus raised, they were expending 50,000,000*l.* and 60,000,000*l.* a year of borrowed money. What he wanted the House to do, was to reduce their establishments to the state in which they were before that artificial state of things had taken place, when they incurred a debt of 600,000,000*l.* He maintained that they could do this without any great difficulty, and without affecting the public credit in any way, because the expendi-

ture, which was over 30,000,000*l.* in 1848. was but 20,273,028*l.* in 1835. He wanted to know if there were any reasons existing now which did not exist in 1835, to cause this increase of expenditure. He did not want the House to go back to the period of 1792, but he was warranted in following up the proposition of his hon. Friend the Member for the West Riding for a return to the standard of 1835. There were no reasons why they should not do so, unless, indeed, like Don Quixote of old, they chose to run about the world defending all whom they thought injured, and interfering unnecessarily in the affairs of other countries. If, indeed, the Government acted on those Quixotic principles which had guided them for the last ten or twelve years, he could see no limit to the forces they might require, or to the expenditure they might call for. Government would not reduce expenditure unless they were forced to do so by the House of Commons. If the establishments in the Army, Navy, Ordnance, and Civil Departments which were deemed sufficient in 1835 existed now, and the present amount of revenue was raised, there would be a surplus of 9,900,000*l.* to appropriate after paying the interest on the national debt and all the other permanent charges upon the country. He observed that a Bill was now before the House for the reduction of the salaries of the Chief Justices of the Queen's Bench and Common Pleas; why should not a similar measure be applied to every establishment in the country? The salaries of all were raised during the high prices which the system of paper money occasioned; why, when those prices were reduced, and cash payments had been so long renewed, were not the salaries proportionably lowered? He, however, despaired of any such measure being introduced; and therefore the only course which hon. Members could adopt who wished to reduce the public expenditure, was to urge on the repeal of tax after tax till the Government should be forced to adapt their expenditure to their income. Although he was anxious to maintain the public credit, yet he was not at the present moment disposed, while he saw so many taxes pressing upon the community, and so many useful purposes to be attained by the application of a portion of the public money, to maintain a surplus in the hands of the Chancellor of the Exchequer. He would rather repeal those taxes, and apply the surplus to promote those objects

which he had mentioned. Let the House adopt his views, and they could remove the duties on hops, malt, soap, &c., without the least injury to the public creditor. In addition to the taxes now proposed to be taken off, they would be in a position also to remove the restrictions on knowledge and to extend education, and so put an end to ignorance and crime. He was not prepared to make any Motion, but he did not think the House ought to be satisfied with the present budget.

MR. FREWEN must express his deep regret and disappointment at the statement of the right hon. Baronet. It was no doubt a source of much gratification to the House to see the right hon. Gentleman again in his place in restored health; but he (Mr. Frewen) must remark that much disappointment would be experienced by an important class in the country, after the numerous deputations that had waited upon the right hon. Gentleman and the noble Lord at the head of the Government, at not hearing any proposal from him to make an alteration in the hop duties. In the districts where hops were extensively grown, especially in Sussex and Kent, the people had been led to believe that it was the intention of Government to propose a considerable reduction of this tax. It was the only tax that was levied upon anything which grew out of doors. The crop itself was precarious in its nature. In one year the duty may be excessive, when the price of hops was exceedingly low; and in another year, there might be so short a crop that the whole county was reduced to a state of bankruptcy from one end to the other. The old hop duty throughout the kingdom had amounted, in 1848, to 212,000*l.*, in 1849 it was not 80,000*l.* This proved how precarious was the nature of this crop. The amount spent in labour alone on the hop grounds in East Sussex was from 125,000*l.* to 150,000*l.* a year, and the same division of the county paid about 100,000*l.* a year in hop duty. In 1848 it was 118,000*l.*; it was true the payment of one half of this had been postponed till next year, but the hop planters had not yet heard that it was to be relinquished. The protecting duty, up to 1842, was 8*l.* 11*s.* the cwt.; but the right hon. Baronet the Member for Tamworth in that year reduced it to 4*l.* 10*s.*; and, again, in 1846, it was reduced to 2*l.* 5*s.*, and a large amount of foreign hops had, in consequence, been imported this winter, and, therefore, the planters contended with

great justice that at least a portion of the excise duty should be removed. One half the estate of the noble Lord the Member for South Durham in that part of the county of Sussex had been thrown on his hands. When the crop was short, and the prices rose to a remunerative point, there were large foreign importations, which caused these prices to fall again. He believed that great excitement would be created throughout the country when it became known that no proposition of the kind referred to was made by the right hon. Gentleman. They complained of having to pay to the Government a heavy duty upon the article, and they had every reason to expect that their claims would have been attended to.

MR. T. L. HODGES must also express his regret that no relief had been afforded to the hop growers. The duty was enormous, oppressive, and unjust; but the fact was, those who paid it were neither a numerous nor a clamorous class, and therefore their claims, however equitable, were overlooked. Even if there were no surplus revenue, he thought it would be the duty of the Government and of Parliament to make such reduction in the expenditure as would enable them to do an act of common justice to this suffering interest. The Government would find that the present excessive duty could not be paid much longer, for the prices of other agricultural produce was so low that the farmers who grew both hops and wheat had nothing to fall back upon. For his own part, he had come to the determination of advocating and supporting all possible measures of retrenchment, so that the hop growers might be relieved.

SIR H. WILLOUGHBY said, there was a single point in the statement of the right hon. the Chancellor of the Exchequer which required some explanation, which no doubt could be given by the hon. the Secretary for the Treasury. In one part of the hon. Gentleman's speech he assumed that 2,000,000*l.* would be the amount of the surplus, but in another part of his address it fell down to 1,500,000*l.* He observed, in the papers on the table, that there was an additional charge of 13,000*l.* a year to the permanent debt. He wished to know whether they were to regard this additional interest as arising from an increase in the debt. The payment of 13,000*l.* a year interest on the Three per Cent Consols, at present prices, would represent a capital of 400,000*l.* If



this was the case, he considered it to be doubtful whether there would be a surplus of 1,500,000*l.* He would also warn the Government of the danger of their additional loans and advances to England, Scotland, and Ireland, the evils arising from which would at length prove so great as to be productive of much mischief. They were told that the Government intended to get rid of the payment of 10,000*l.* a year for the Equivalent Fund in Scotland by the payment of 250,000*l.*; he (Sir H. Willoughby) did not perceive how this and the other amounts could be raised without resorting to loans.

MR. COWAN said, he intended to have put a question to the right hon. the Chancellor of the Exchequer, on the subject of savings banks, but had been prevented doing so. It was with great regret he heard the explanation of the right hon. Baronet, that he intended to defer his explanation of the intentions of the Government as regarded savings banks until after Easter, as there was a very strong feeling on the subject in Scotland, and great anxiety was manifested as to what was intended to be done. He would venture to express a hope that if the right hon. the Chancellor of the Exchequer was, from the state of his health, unable to describe the course proposed to be pursued, that the noble Lord at the head of the Government would promise that it should be laid before the House before Easter.

LORD J. RUSSELL said, that his right hon. Friend the Chancellor of the Exchequer would state what were the proposals of the Government on the subject of savings banks as soon as possible after Easter.

SIR DE L. EVANS wished to make an observation in allusion to the proposed change in the stamp duties. He feared his right hon. Friend the Chancellor of the Exchequer had not paid attention to the stamp duty on receipts for small sums. The threepenny stamp duty was found to be very oppressive to small traders all over the country, and its continuance was regarded by them as a hardship.

The MARQUESS of GRANBY: Sir, I had no great hope of the financial exposition of the Government, and the chief pleasure I derived was, to see my right hon. Friend able to make it. I was also glad to see that the right hon. Gentleman had, profiting by his experience of last year, brought forward the budget at an earlier period of the Session. I was not

surprised to hear him state that the returns for the month of February in this year showed a decline in the revenue as compared with those of February, 1849. Neither was I surprised that my right hon. Friend should have expressed anxiety at the cry recently raised throughout the country for the reduction of taxation and expenditure. That cry is indeed one of which it behoves the Legislature to take notice, and which deeply affects the maintenance of public credit in this country. The right hon. Gentleman states that memorials and petitions have been forwarded to the Government and to the House for the reduction of the duties upon teas, upon the window tax, upon bricks, upon soap, upon legacy duty, upon paper, upon advertisements, upon the malt tax, indeed upon all the sources of revenue, and those memorials and petitions have proceeded from members of every class and every party. The right hon. Gentleman is quite right. The mass of the population are impatient of taxation, for they can no longer endure it. Now, I think that it would be most erroneous to suppose that the chief danger arises from the indisposition of the people to endure this taxation, and that those who are of that opinion take a most superficial view. The real danger which now impends over the kingdom is, not the cry for the reduction of taxation, but in the causes which operate in producing that cry and that feeling. Those who look only to the cry, resemble the child who was frightened at the sound of the thunder, but had no fear of the flash of lightning which preceded it. I am one of those who think it the best economy to maintain our establishments upon an efficient footing; but whilst I think so, I am also of opinion that, though there may be great danger in reduced and inefficient establishments — establishments inadequate to the maintenance of the safety and honour of this country, yet I believe there is far greater cause of alarm lest the real strength of the country may be sapped and deteriorated. The right hon. Gentleman stated, that since 1836 there had been no less than 8,000,000*l.* of taxation reduced; and he further stated, that Mr. Huskisson then said that the great capitalists of the country were amassing wealth, while the poor and middle classes of society were not progressing. He (the Marquess of Granby) did certainly expect when the right hon. Gentleman insisted upon a revision of taxation, that he was going to show

that that which Mr. Huskisson had stated in 1836 had been remedied by the legislation of late years. [Mr. B. OSBORNE: It was in 1826 Mr. Huskisson made those observations—he was killed in 1830.] Looking at the blue books, looking at the reports of factory inspectors, looking at the papers furnished by the Poor Law Commissioners, looking at the documents furnished from the mining districts—looking, in short, at the various sources of authentic information, I must confess, that the condition of at least the poorer classes has not been bettered since the time Mr. Huskisson spoke, although the capitalists have since then continued to add to their already enormous wealth. Mr. Norman asks how it is that, in 1850, we bear with reluctance a tax of 52,000,000*l.*, whilst at the close of the war the people of this country bore a taxation of no less than 81,000,000*l.* He points to the increase of population, to the increase of capital, and the corollary to his statement is the declaration of the Chancellor of the Exchequer. There may have been an increase of capital—there has been an increase of population, but that there has been anything like a corresponding increase of comforts among the working classes is what I very much doubt. The drones of the hive may be better off, but that the industrious bees are the gainers is most questionable. My right hon. Friend admitted the painful fact that great distress exists in the agricultural districts. I was glad to hear him make that admission. He said the owners and occupiers of land, and the labourers, were in a state of distress. It is but too true. I sincerely hope that, as the fact is no longer denied, we may speedily have some remedy. But, my right hon. Friend added, the low prices the agriculturists are now suffering from is the result of a large home supply, not of the introduction of foreign grain. But if the right hon. Gentleman were now in his place, I would ask him how ten millions of foreign grain could be brought into our market in one year, and not materially have reduced the price of corn in this country? It is altogether impossible to suppose that such should not have been the case. Well, but the taxation on the farmers continues much the same as it was. With diminished ability, the burden is as great. Suppose the prices of corn to be reduced by one-third, and suppose that the taxes which the farmer would be enabled to pay with six quarters of corn formerly, he would not now be enabled to pay with less than nine,

would not this be a hard case? But this is the case; and, further, there is not only a diminished price of produce, but an actual diminution of the quantity of the produce. My right hon. Friend said, that in the great struggle about to be commenced, many must fall. I look upon that as a lamentable admission, coming, as it does, from a strenuous supporter of what is called a great policy. I suppose that one of the remedies that my right hon. Friend proposes for the relief of that deeply-suffering class is the repeal of the stamp duty on the transference of land. His object is, no doubt, to allow that unfortunate class, the small owners of land, to sell their property and get out of so disastrous an occupation. My right hon. Friend's prophecy with respect to the future prices of corn and the quantity of foreign grain to be imported into this country, has failed. He made that prophecy last year, and events have so entirely negatived it that he must excuse me for not placing any faith in his present predictions. What did my right hon. Friend say last year? Why, he said that the whole amount of foreign corn would not produce a duty of more than 250,000*l.*, whereas the fact is that it produced a duty of 475,000*l.* I will now take the liberty of making a few observations on the relief proposed to be afforded to the agricultural interest. In accordance with the suggestion of my right hon. Friend the Member for Tamworth, and of the right hon. Baronet the Member for Ripon, the Chancellor of the Exchequer proposes to repeal the duty on bricks. I do not deny that the repeal of that duty may confer great benefit on the lower classes in this country, but as far as regards the landed interest I cannot see that it will be productive of much advantage to them. As to the building of cottages, its effect will be extremely partial. I believe that there is no such thing as a brick-built cottage in Ireland. The cabins are mostly composed of mud; and even in this country and in Scotland they are chiefly built of clay or stone. With respect to the advances proposed to be made to England, Scotland, and Ireland, I agree with the hon. Member for Montrose, that they cannot be productive of very much benefit, seeing that the interest of money is only 2½ per cent. I am pleased, however, at the altered tone of my right hon. Friend with respect to the condition of the agricultural classes; and I believe that, month by month, and year by year, he will per-

ceive the advantages of growing corn as far as possible in our own country, and not trusting to foreigners for a supply of the prime necessary of life. He will be obliged to acknowledge that something must be done to relieve the distress amongst the growers of grain. Lamenting that the Government has not done more to relieve them; believing that no relief—no efficient relief—could now be afforded with safety to this country in the shape of a mere reduction of taxation, that no such reduction could compensate the agricultural interest for the withdrawal of 91,000,000*l.* sterling—which is the sum which the hon. Member for Wolverhampton said, on the first night of the Session, was saved upon the price of food; believing that the only real and effectual remedy is the return to that commercial system under which all interests proposed, that no other effectual mode of relief can be devised, and that day by day the cry for a reduction of taxation will increase—I feel a sanguine hope that the period is not far distant when you will return to that policy which obtained from foreigners, instead of from our own population, a portion at least of the means of supporting the national burdens. The noble Lord at the head of the Government animadverted upon those who appeared to think that low prices meant low establishments and low wages. I fear that low prices do make low wages. The noble Lord spoke of the low views of those persons; but I fear that, however lofty his own views may be, and those of his colleagues, if they do not soon retrace their steps, their loftiness of sentiment will be of no avail.

MR. EWART did not think that the repeal of the duty on bricks would be productive of very great advantage. He felt that if they would not reduce their expenditure they must continue taxation. It was impossible that they could repeal duties which acted oppressively on trade—such, for instance, as the soap duty—if they did not contract their expenditure. He was glad to find that the principles laid down by the right hon. Gentleman the Chancellor of the Exchequer were the principles advocated by all sound practical reformers. For his own part, he had a great objection to those taxes which affected the transfer of property, and he would be glad to see the advertisement duty repealed. If the right hon. the Chancellor of the Exchequer thought it right and prudent to lay by a sum for the reduc-

tion of the national debt, he would make no objection to the right hon. Gentleman's proposition, for he thought that such a course would be a wise one; but he would remind the right hon. Gentleman that, in order to effect this, there must be a saving, not only of one year, but of consecutive years. He would support the right hon. Gentleman in the principal part of his speech. He hoped to see the soap duties and the excise duties which pressed heavily on agriculture speedily removed.

MR. NEWDEGATE said, that if Mr. Huskisson could be restored to that House, he believed no one would be more astonished than he would at the use which those who called themselves his disciples, made of his authority. He was well aware that Mr. Huskisson maintained liberal and sound views with respect to the removal of unnecessary restrictions upon commerce; but he had yet to learn that for the purpose of favouring an abstract notion he would have consented to sacrifice the great interests of this country to unrestricted importation, or have endangered their naval supremacy by the repeal of the navigation laws. They had in the admissions of the Chancellor of the Exchequer the proof that their free-trade policy had not been beneficial to this country; for looking to the years which he had referred to, he must say that he could not possibly state anything worse respecting it than that, as the system of free trade had been more largely acted upon, it had tended to degrade the working classes and to impoverish the Exchequer. The right hon. Gentleman, though he had practically admitted that there was distress in the agricultural districts, still went on perpetuating the illusion that the falling prices of this country were not attributable to the free imports of agricultural produce that had taken place. In 1847 they had been told that in consequence of the high prices the importations were unprecedented; but last year the imports exceeded those of 1847, though the difference in price was nearly 30 per cent. And when the right hon. Gentleman talked of the prices of wheat during the last eight years in Holland, and Belgium, and France, under a corn law, he asked what precedent the prices in those countries with corn laws could afford for those which would prevail in this country without a corn law? Now, he would quote prices from ports from which they must look for supplies. These returns he had from authentic sources, and thought them worthy the attention of

the House. Hon. Members had only to consult a document with respect to the prices of wheat in Denmark, which had been compiled from returns made by our own Consuls, and was presented to the House on the 7th of April, 1843, and they would find that the average price of wheat from 1815 to 1839 inclusive had been in Denmark, 29s. per quarter; and he spoke under correction by the hon. Member for Wakefield, who was largely concerned in the corn trade, when he said that wheat could be laid down in London from Denmark at 5s. per quarter for freight and charges, or at 34s. to 35s. per quarter. The hon. Member for Westbury had on a former occasion stated that the average price of what at Hamburg from 1839 to 1846 was 43s. 4d., whereas, according to the statistical archives, it was 27s. 3d. The hon. Gentleman had cited the authority of the Prussian Government, and he (Mr. Newdegate) held in his hands the official documents—the statistical archives published by the Board of Trade at Berlin—contradicting such a statement. He would now give the average prices as set forth in the statistical archives between 1837 and 1846. In Hamburg it was 26s. 3d.; in Lubeck, 29s. 4d.; in Dantzic, 25s.; in Stettin, 23s. 8d. For some years he had been studying this question, and he must say that when he looked at the information upon which public men relied, he could not be surprised at their mistakes. Now, he had taken some pains to collect information, and to ascertain what the results of this experiment would be; and he had taken the prices for the ten years from 1837 to 1846 inclusive, because these were to be taken as the natural prices that prevailed at those ports before they had been disturbed by the opening of the ports of this country. Since the abolishing of the warehousing system in this country, the warehouses for this country were practically removed to Hamburg, Dantzic, and the other ports he had mentioned, and the prices there now were ruled by our open markets, and formed no criterion of the natural cost of wheat in the countries to which those ports belong; and the proof of this was, that the circulars of those places were printed, not in the language of those countries, but were printed in English. Much had been said by the right hon. Member for Tamworth, and by the hon. Secretary for the Board of Control, on a former occasion, and by the Chancellor of the Exchequer

on the present occasion, of the prices of wheat in France, and of the exports of wheat from thence to this country last year. It was quite true that from unusual circumstances there had been exports. There had before now been exportations from Ireland—when Ireland was in great distress, and the exports were, in fact, only the consequence of the poverty of Ireland. It was from the poverty of France they derived exportations of food, which under better circumstances would have been used by the people there. He turned then to the United States, where he had been some years ago, and he had taken some trouble to ascertain what were the prices at which corn might be exported. The average price of wheat in New Orleans from Sept. 1, 1843, to the end of 1845, was 24s. 8d. the quarter. The expense to this country was about 10s., giving an average of 35s. Now his firm belief was that the corn grown in Europe would undersell that coming from America, and both combined would tend to reduce the price in this country. He trusted that the House would excuse him for entering into these details, but he believed his information to be authentic, and he considered it most important to dispel the delusions that prevailed respecting this subject. It was, too, he thought, lamentable that a Gentleman in the official position of the hon. Member for Westbury should fall into mistakes—mistakes, too, to be found in the returns of the board, and which were, in too many instances, contradictory to each other. He would not now enter more largely into this point, but he referred to the statement that the average cost of importing flour from New York was 11s. the barrel—which was given in last annual Trade and Navigation accounts that had been presented in full, those for 1847—when other returns referred to and relied upon, and that were before the House, said two barrels could be transmitted for that price. This was a mistake of 50 per cent. The right hon. the Chancellor of the Exchequer had, on a former occasion, alluded to the disturbances on the Continent, and had attributed the lamentable state of our trade in 1848 and the beginning of 1849 to that cause; and on a former occasion had made an appeal to him to retract his statement that the continental disturbances had not been injurious to this country. Now his answer to such an appeal was this—he did believe that the conti-



mental troubles had not injured the trade of the country to the extent represented. He believed that by driving numbers home of those who habitually spent their incomes abroad, and sending bullion to be invested here, and stopping the drain of gold, had tended to restore the condition of this country, from what otherwise would have been, to use the American phrase, "a fix." To show this, he referred to the circular of Gibson and Co., themselves free-traders, and who declared that the foreign disturbances had rather aided than injured our trade, and that, in fact, their experience of the last two years proved that nothing but a general war could injure the commerce of this country. He must conclude by lamenting that, after the frank admission of the Chancellor of the Exchequer as to the distressed state of agriculture, he could find nothing in the way of remission of taxes but that which did not amount to one per cent on the calculation of the hon. Member for Wolverhampton, lost to the agriculturists of this country by the fall of prices, amounting to 91,000,000 annually. The agriculturists were too powerful a party to submit to the present state of things. He regretted their being driven to resort to agitation, and he deprecated the division that might by it be created between classes; but he, for one, would never rest satisfied to see the greatest interest in the country sacrificed at the shrine of a dogma which was rapidly falling into contempt.

LORD R. GROSVENOR would not enter into a contest with the hon. Member who had just sat down on the question of the corn laws, but would make a few remarks on the financial statement of his right hon. Friend the Chancellor of the Exchequer. He confessed some portions of the right hon. Gentleman's speech caused him regret, although he would admit that, if the system of taxation pursued in former times were to be pursued now, his right hon. Friend had done all in his power with the surplus which remained. The right hon. Gentleman had stated that he had thought it right to remove those duties which interfered with consumption, and as an instance of this, mentioned the tea duties, the removal of which would be a great boon to the consuming classes; but then the right hon. Gentleman had added that the present state of the revenue would not permit this reduction, and in making this statement he had held out no prospect of the duty being removed at any future period.

He was in hope that the right hon. Gentleman would have entered into a statement as to the future policy of the Government with respect to the taxation of the country. There were many taxes which were unjustifiable in principle and injurious in their mode of operation, and he had expected that when the surplus came to be dealt with, the hon. Gentleman would have proposed some more courageous measures than those which were now before the Committee. It was his duty a short time ago to signalise one tax which acted most oppressively. He referred to the duty on attorneys' certificates. [Laughter.] Hon. Gentlemen might laugh, but it was his opinion that no tax was more unjustifiable in its principle. It was one producing the smallest revenue of any which the Government were asked to repeal, and he trusted that it would be removed after Easter. This was not the only tax which deserved a similar fate. There were taxes, for instance, which were war taxes—or taxes imposed in consequence of the war, which, after a peace of thirty-five years, with the additional advantage of all the financial talents of successive Chancellors of the Exchequer, should have been abolished. He thought some might be removed with safety to the revenue. There was no indisposition on the part of the House to impose new taxes based upon fairer principles for the creation of the revenue, in lieu of those which were objected to. Let him call the attention of the House to the taxation of this country. They kept up an expensive force around all England to guard the Customs, because on some articles they had imposed so exorbitant a duty that the successful run of one cargo out of seven or eight would remunerate the parties engaged. He would relate a curious result from this system. There was a person in London who sold an article which was one of great consumption, not only in this country, but also abroad. On his asking this individual how he was able to undersell the foreigner, the reply was, "The principal ingredient of my manufacture pays a moderate duty abroad, which they pay; but here there is a high duty imposed, and therefore I do not pay it." [An Hon. MEMBER: What is the article?] He did not think it would be right to allude to the matter more specifically, for he might thus draw the attention of the custom-house officers to the subject. He was glad to find the duty upon bricks was to be removed, as it

would certainly tend to improve the habitations of the poor. He would now refer to another tax, the window tax, which, though stigmatised by the Sanitary Commissioners, had not only not been repealed, but not even modified, but no hope of its removal was even held out. The house tax had been removed, and yet although the window tax was more injurious it was unrepealed. He thought his right hon. Friend (the Chancellor of the Exchequer) would confer very little benefit from his proposal for the alteration of the stamp duties, payable by small purchasers, unless there was an alteration in the law of conveyancing by the establishment of a general registrar. His right hon. Friend had observed that if they made any large reduction in taxes—the tea duties and window tax for instance—they would rivet the income tax for ever. Now, it was his (Lord R. Grosvenor's) opinion that they could not get rid of the income tax, and that it was riveted for ever, to which, as a direct tax, he had no objection at all.

MR. PETO would not have risen in this debate had it not been for the observation of the hon. Member for North Warwickshire, that the free-trade policy had tended to the degradation of the working classes. From very extensive knowledge of the working classes, he was able to say they felt a debt of gratitude was due from them for their cheap supplies of food—a benefit that future generations would appreciate, though at the present moment it might not be perceived. He thanked Her Majesty's Government very sincerely for the remission of the brick duties. ["Hear, hear!"] It might be thought he was interested in this question, but he assured the House he was not, only as it affected the comfort and well-being of the working classes. He knew of no duty of similar amount the repeal of which would tend so much to improve the habitations of the poorer classes, for brickmakers having hitherto paid the duty upon the raw material, before it was burnt, were not able to afford the loss of it, and the consequence had been that the cottages of the poor were almost uniformly built with refuse materials that could not be used in better erections. On these several accounts Her Majesty's Government deserved thanks for what they proposed; and he trusted they would hereafter be induced to substitute a house duty for the window tax. The window tax was the most unpopular duty in the empire, besides being most injurious to the social

well-being of the working part of the community.

MR. DRUMMOND was grateful to the right hon. Gentleman the Chancellor of the Exchequer for what he had held out; and if he had any cause of complaint against him, it was that he had not made his present speech last year, in answer to a Motion that he (Mr. Drummond) submitted to the House. All those, he found, who were in the habit of quoting Adam Smith, enlarged upon the advantages of foreign markets. But if there was one point in which Adam Smith was stronger than in another it was this, that the value of the home market was far beyond the value of the foreign; yet, from the days of Mr. Huskisson down to this very hour, preference had been given to the foreign market till now, when he had heard for the first time in that House a recognition of its value. But his right hon. Friend ought not, he thought, to have descanted so much upon the value of a system which had been to create, or rather to persist in the creation of, capital at the expense of labour. This was the very point he urged last year when he was told he was verging upon Socialism; and his right hon. Friend said nothing could be more absurd than the plan which he (Mr. Drummond) proposed. Moreover, when he urged his right hon. Friend to do something towards the reduction of the debt, he was told such efforts would be perfectly trivial, and that they would only tend to raise the value of stock in the market. But it now appeared that he was right. The right hon. Gentleman had mentioned the property tax, and it had been subsequently spoken of as being rather an advantage. His right hon. Friend the Member for Tamworth knew we should always have to pay the property tax; and he (Mr. Drummond), so far from dissenting from him, desired, if he could thereby put an end to the excise upon malt, even to increase the property tax. He dared say hon. Gentlemen opposite hardly knew the taste of malt. He wanted to shift the tax from the beer drinker to the champagne drinker, and to leave that which was a necessary of life to the labourer as free as corn. [MR. BROTHERTON: No, no!] Oh, yes, hon. Gentlemen might talk about temperance to a man who had nothing else to do but to waddle out of his Committee-room into that House—it signified nothing what he drank, whether water or nothing at all; but did they observe what Major Edwards said to his friends

when they remarked that he looked rather worn?—"Yes," he replied, "but your good Shropshire ale will soon fatten me." That was what he looked at, and not at temperance societies. He had no wish to deny the importance of repealing the duty upon bricks; still it did not set labour upon land free in the same way as manufacturing labour was free. He would ask any manufacturer of cotton whether he would consider that he had free trade in the cotton manufacture if there was a prohibition or a very high duty upon cotton? Yet there was precisely the same thing with regard to the farmers so long as the malt tax was continued. Let it be observed that the farmer was not upon a par with the manufacturer. The farmer could not mix peas and beans in his wheat, but the miller could and did. The farmer could not mix potatoes and bone-dust with his flour to make bread, but the baker did. There were a thousand things of this sort. The farmer, for instance, could not mix cotton with his wool, but the stocking-maker and the flannel manufacturer could. The farmer could not sell oak bark for Jesuits' bark to the hospitals, but the druggists could. The farmer could not sell quassia for hops, nor put honey into his ale, as they did in Scotland, but the brewer could. In no one of these instances was the farmer upon a par with the manufacturer, not that he was a bit the more honest than the manufacturer, but he could not do as the manufacturer did. The farmer, therefore, was not upon a par with the rest of the community. There was another of the many circumstances from which the farmer had a right to expect more consideration than other interests. The manufacturer the moment the raw material was in his possession, was the master of it, it was altogether in his power. Not so with the farmer. The farmer, from the moment he put his corn into the ground, until he sold it in the market, was liable to all the vicissitudes of climate, of season, of vermin, and all sorts of things over which he had no possible control. There was, consequently, a greater variation in the pursuits of agriculture than of commerce, a circumstance that ought to be taken into consideration. He was very glad, however, of what they had got; and he should be glad to get more when he could, but for the present he supposed they must be content.

MR. FRENCH said, he did not think the measures of relief would to any effect advantage Ireland. In Ireland they had

no bricks, and as to the stamp duty, he did not think the remission would be very beneficial. Nor did he think that the other propositions of the Chancellor of the Exchequer would be received with much favour. Of two most important measures for the relief of Ireland, one was emigration for the relief of the population, where there was a congestion, and a check of emigration where men of capital were leaving the country. The other was a measure brought forward by a noble Lord, now unfortunately no more, for the assistance of companies already in existence in Ireland, for the formation of railways. And then he did not think that a more unfortunate selection of the parties through whom the money was to be advanced could have been made than that which had been made. The Board of Works, with the expense of its staff, had never in any instance given more than half the value of the works which they had charged for. And so far from the landowners of Ireland being anxious for advances of money for works, there were at this moment many works which were unfinished. It would have been far better to have advanced money to railroad companies, who could have given good security for it.

LORD J. MANNERS commenced by quoting the following lines:—

" 'Tis when we suffer, gentlest thoughts  
Within our bosom spring,  
And who shall say that pain is not  
A most 'enlightening' thing? "

He was sure that every Member of the House must be of opinion, that had the right hon. Gentleman the Chancellor of the Exchequer been able to be present during the whole of the debates of this Session, they would not have had a speech so remarkable for its calmness and candour as they had heard from him that evening. As had already been observed, it was the first speech in which an admission of agricultural distress had been fully and frankly made by Her Majesty's Government. There was a time when they qualified that distress; and the only point on which he differed from them in this respect was in relation to that system of prophecy, which he thought the right hon. Baronet the Member for Ripon had for ever exploded. The right hon. Gentleman the Chancellor of the Exchequer had endeavoured to cheer the depressed spirits of the agricultural classes, by telling them that low prices were merely temporary, although he was obliged to admit that all his previous

prophecies had been falsified. His (Lord J. Manners') hon. Friend the Member for North Warwickshire had shown the data upon which the right hon. Gentleman rested his conclusions to be entirely erroneous; and, as an additional proof, he (Lord J. Manners) could add another fact to the catalogue. He had only the other day received a circular from Alexandria, dated the 8th of last month, when the price of corn there was 16s. a quarter. The freight to Liverpool was about 7s., and to London 6s. 3d.; and wheat was being shipped there to be laid down at the port of London at 28s. Precisely the same state of things existed in America; and during the last three months wheat-flour had been shipped from New York to Liverpool at the price of 1s. 1d. per barrel. Under these circumstances there was no reason to expect a permanent rise in the price of corn; and he did not believe, and could not hope, that the persuasions of the right hon. Gentleman would have the slightest effect in inducing people to invest their capital in the cultivation of the soil. His noble Friend the Member for Middlesex had described the effect of extravagant import duties in stimulating smuggling. Why were those extravagant import duties maintained? Why did the Chancellor of the Exchequer maintain the duties upon tobacco and tea? Because the Chancellor of the Exchequer could not reduce them, because he refused to accept duty on American corn and Holstein heifers. And, after all, but two sources of relief had been proposed to the agricultural interest, neither of which could be seriously offered as a satisfactory settlement of the great impending question. With reference to the duty on bricks, he would only remind the right hon. Gentleman that it was open to the objection urged by the Government against the proposition of the hon. Member for Buckinghamshire. When his hon. Friend brought forward his measure of relief for the suffering agricultural interest, he was told that it was not a real relief to that suffering interest, because it would also benefit the towns. Well, he hoped that the right hon. Gentleman, when he introduced his Bill for repealing the brick duty, would show the benefit which the agricultural and urban population would respectively derive from the abolition of the duty. Of course he (Lord J. Manners) did not object to it, because he believed it would confer some benefit upon the agricultural interest; but when it was put forward

as a special boon for an interest that was suffering, whilst every other was in a state of prosperity, as it was said, he must observe it was a boon not confined to it exclusively. The truth was, however it might be disguised in that House, that the other great interests were not in that condition of prosperity which had been represented. Take the shipping interest—that was suffering and distressed; and he would meet the challenge of his noble Friend the Member for Middlesex to produce a tax so objectionable as the duty on attorneys' certificates, by instancing a tax which pressed exclusively on the shipping interest. It had been his good fortune to procure a unanimous admission from the House, that of all the objectionable taxes of which the removal was wished for, that on marine insurances was the worst. It was not of very large amount, but it pressed heavily on the shipping interest. He thought, therefore, that the right hon. Gentleman might, without any serious diminution of revenue, have abandoned the stamp duty on marine insurances, and thereby shown the shipping interest that he was more or less alive to the justice of their claims. He should be very sorry that the Chancellor of the Exchequer, or any other Member of the Government, should be led into the belief that those puny remissions he announced could be accepted as a satisfactory settlement of the great question which was now agitating the country, and which he did not doubt would continue to agitate it until Ministers carried out the policy to which the right hon. Gentleman pointed in the course of his speech, repeating several times his conviction of the great importance of raising the larger part of the food necessary for man in our own country.

MR. MUNTZ congratulated the House and the Chancellor of the Exchequer himself on his reappearance among them. He was much pleased to see the improvement in the right hon. Gentleman's health, but he could not congratulate him on the subject of his budget. It was most important for the House to inquire the amount of the surplus, and how it was to be obtained. The right hon. Baronet had made a comparison with one of the very worst years, and he thought it doubtful whether the right hon. Gentleman would really obtain any surplus from increased revenue. In fact, the surplus seemed to arise almost wholly from the refusal of the House to grant the supplies asked for in the first



instance by the Government, which obliged them to reduce their expenditure to a greater amount than the lately boasted surplus; so that, in fact, there was no increase of revenue, but the contrary. The right hon. Baronet would have acted more wisely—when there was so much doubt about a surplus—if he had not proposed the remission of any tax; and what was very remarkable, the right hon. Gentleman, after explaining to the House the great impropriety of parting with so small a surplus, and the impossibility of ever repealing any important amount of taxes if he did so, had proceeded to fritter away nearly all that he had apparently to spare. He perfectly agreed in the hint thrown out by the noble Lord the Member for Middlesex, as to the necessity of revising our mode of taxation. If something were not done in this respect, instead of the boasted surplus, there would be a lamentable deficiency. When the right hon. Baronet the Member for Tamworth proposed the repeal of the corn laws in 1846, he warned him that if he did so, with the present monetary system, he would be obliged to impose a property tax of, at least, 25 per cent, if he wished the interest on the public debt to be paid. He (Mr. Muntz) objected to the present unjust and vexatious income tax, but he did not object to a *bonâ fide* property tax. At present they were casting about for means to make both ends meet. Some proposed to abandon the colonies. Hon. Members conversant with ancient history needed not to be reminded that both Greece and Rome first began to withdraw support from their distant possessions, when affairs at home were unprosperous from the bad management of a luxurious and vicious Government, and their greatness commenced to decline. Was this country about to adopt a similar policy? He admitted that the colonies, under the present system, were not worth a farthing, and that the sooner they went, perhaps, the better; but they must leave us of their own free will—and we could not well desert them; for he considered they had a moral claim upon us for protection, after the encouragement given to emigration and colonisation. Hon. Gentlemen were fond of talking about unbearable taxation—from all sides of that House, from all parties, and from all sects, that was the universal outcry, and not without good reason. Now, he recollected a time when the taxation was nearly double what it is, yet every man was then

able to get a good livelihood, and looked with horror at the workhouse. It was much less felt than now; and it seemed to be quite true that the rich were getting richer, and the poor, poorer. They had heard talk of a saving of 90,000,000*l.* by the reduction in the price of the necessaries of life, and he had no doubt that it amounted to, at least, 100,000,000*l.* But no one had explained how much the industrious classes had lost by the general reductions in the value of produce and labour during the last three years; in his opinion, that loss far exceeded the 100,000,000*l.* of gain. All he could say was, that, on the present principle, every reduction in prices was an additional pressure on the industry of the country. It was easy to see that taking the Government taxes at 50,000,000*l.*, the mortgages at 50,000,000*l.*, the rates and other fixed payments being added, that a sum greatly exceeding 100,000,000*l.* would be found; which, supposing prices to have been reduced from any cause 50 per cent in the last three years, would tax industry 100,000,000*l.*, as double the produce and labour would be required to pay them. It had been said that the pressure upon agriculture, which was now admitted in all quarters, would be removed by an alteration in prices; but if prices were to advance, of what use would the repeal of the corn laws be? He had voted for the repeal of the corn laws in order to reduce prices, and with the knowledge that it would do so; and he had so stated his intention and opinion in 1846, and also then named the present average price. His present conviction was, that there could be no improvement in prices, but, on the contrary, a further reduction. The present prices were, indeed, the average prices of ninety years of the last century. And he again asked, why, with all the circumstances the same as in 1775, we should not have prices, at least, as low throughout as they were in 1775? He would caution those who expected improvement from high prices, with the present system, to recollect that the Almighty Being who made the world, made laws which regulated the value of one article relatively to another, and He would not allow either their hopes or their wishes to interfere with those laws. It was said by some that present prices were only temporary. He had this week met with one of the partners of one of the first mercantile houses in Copenhagen. In conversation, this gentleman had informed

him, that, in consequence of the throwing open the ports of this country, land in Denmark, which had been hitherto uncultivated, was now brought into cultivation, and that the people were improving their previously cultivated land, with the view of raising grain for the English market. His informant further stated, that they could supply 2,000,000 quarters of corn for this country at the present moment, and in a short time 3,000,000. The present price of wheat in Denmark was 26s. a quarter, and oats, 10s. It seemed 26s. did not pay them, but they would be satisfied with 28s. This same party had chartered two vessels at Leith only last week to bring over corn from Copenhagen at 2s. 6d. a quarter, and suppose other charges of insurance, &c., amounted to 6d. a quarter—29s. a quarter would be the cost of such corn in this country. He told them these facts exactly as he heard them. Upon what principle was it, then, that they expected prices to be higher? In his opinion, if they wished to be able to carry on the Government, and to pay the interest of the debt, they must revise their mode of taxation, and make property, instead of industry, bear the burden.

MR. G. SANDARS\*: Sir, I should not have risen at this late period of the evening, had it not been for the appeals made to me by my hon. Friend the Member for North Warwickshire. My hon. Friend has stated the freight of corn, from Denmark to this country, to be but 4s. per qr.; from Dantzic, 6s. per qr.; and from New York, 2s. per barrel; and has appealed to me for the accuracy of his statement. I can assure the House the hon. Gentleman has over, rather than under, stated the freights from those countries. There is great misapprehension in the House and the country on this subject; and the hon. Gentleman the Member for Westbury is, in my opinion, adding to this misapprehension by the statements which he has recently made to this House. The hon. Gentleman has said that the cost of bringing wheat from Dantzic to this country is 16s. per qr. He deducted 3s. 9d. per qr., the cost from the interior of Poland to the shipping port; but still leaves 12s. 3d. per qr., which is more than double the actual cost. The firm to which I belong is importing wheat from Dantzic at a freight of 3s. 6d. per qr.; Sound dues and insurance will not exceed 1s. 6d. per qr.; making a total of 5s.: the hon. Gentleman charged foreign corn with commission, lighterage, landing,

entry and delivery, interest, &c., which equally appertain to English corn. At the present time the freights from Hamburg, Denmark, and Antwerp are 1s. 6d. to 2s. per qr.; a sum actually less than from our own ports of Boston, Wisbech, &c., to the London market. The hon. Gentleman has also told the House that Odessa wheat could not be had under 32s. per qr. on board. I hold in my hand a letter of the 15th of February last, giving the extreme quotation of the finest qualities at 32s.; but my correspondent adds, contracts are making, of the finest quality of Polish Odessa, at 26s., to be delivered there in May or June. The hon. Gentleman has also taken the average of wheat, in Prussia, for the last ten years, and tells the House it amounts to 37s. 6d. per qr.; and though he may be correct in his statement, yet I would ask the House is it fair to argue, under such entirely different circumstances, that the continental prices will be as high during the next ten years as the last ten; when in the one period we had protection and high prices, and in the other, free trade and low prices? No! they are not at all parallel cases: free trade has given an impetus to foreign production, which will, for the future, produce a very different range of prices; besides, under the restrictive system we had periods of high prices here, and consequently high prices abroad, as in 1847, when the average advanced to upwards of 100s. per qr., and thus raising the average price of foreign materially, and far beyond its usual or natural level. I am surprised at a statement made in a recent debate by the right hon. Baronet the Member for Tamworth, who is justly so high an authority in this House. The right hon. Baronet alluded to the great import of wheat last year, which he said "amounted to 5,600,000 quarters of that noblest of grain—wheat." And then added the right hon. Gentleman—

"This is in addition to the consumption of the usual quantity of home growth, as there has been an actual increase in consumption in 1849 as compared with 1848 of home growth, and concurrently with this increase there has been the enormous consumption of 5,600,000 quarters of foreign wheat by the poorer classes of this country. This increased consumption of wheat has taken place in consequence of the better condition of those who live by labour. You will not have millions of quarters of wheat consumed, except that millions of mouths can be found to eat them, and I want no better indication of general prosperity."

Why, Sir, was there ever a more fallacious statement made to this House? The right

hon. Gentleman must know, or ought to have known, that the crop of 1848 was a most deficient one. I have the authority of the hon. Member for Westbury to this fact, who admitted in this House that in many districts of the country the deficiency was from 30 to 40 per cent. [Mr. J. WILSON: Hear, hear!] Well, then, Sir, it required some 3,000,000 of quarters of wheat to make up this deficiency: then, Sir, we exported to Ireland upwards of 600,000 quarters of wheat and flour: in place of the imports from that country being some 600,000 or 700,000 quarters, they were rather over 200,000 quarters, making a difference of another million: in addition to these 3,000,000 quarters, it required at least 1,000,000 to make up for the deficiency and dearness of potatoes. Thus, Sir, the extra consumption which the right hon. Baronet boasts of as showing the improved condition of the people, in place of being 5,600,000 quarters, sinks down to the comparative insignificant amount of the odd 600,000. Sir, I do not for one moment deny the blessing it proved to the people of this country to be able to purchase at a moderate price this large amount of grain; but I do deny the right hon. Baronet's deductions that it was a proof of the improved condition of the people. Sir, there is great difference of opinion expressed in and out of this House as to the future prices of grain. The Chancellor of the Exchequer admits that prices continue lower than he expected; but (says the right hon. Gentleman) these low prices are not owing to foreign imports, but to unusual circumstances, and says that the same state of things exists in France. The hon. Member for Westbury takes the same view, and is doing his best to write up prices; but what say the hon. Members for Wolverhampton and Birmingham? They tell you honestly they always expected low prices with a repeal of the corn laws, and they consider the present rates not only warranted, but they even look for still lower. Sir, I believe that under free trade 35s. per quarter is as high a price as we can expect in usual and average seasons, and that the low prices now ruling are the consequence of free trade. Can any one doubt if foreign grain were now excluded, and we were dependent on our own produce alone, that prices would not have been some 10s. per quarter higher? The crop of 1849 is a great one, considerably above an average, and, in my judgment, equal to our consumption at fair and

remunerating prices. The natural consequences, therefore, of the introduction of large supplies of foreign competing with our own produce, are to depress prices below a remunerating point—to increase consumption, if not waste, by excessively low prices, and to force prices down so ruinously low, as to shut out any further large imports from abroad. Sir, it is said that this time has already arrived, and that the foreigner cannot afford to meet our present rates. I do not mean to contend that we can expect the same import at 35s. as at 40s., but that considerable shipments will be made even as low as 35s. I do not doubt. At present, the house to which I belong has recently made considerable purchases of the best Pomeranian red wheats, equal to Norfolk and Suffolk, at such a price, including freight to this country, as to cost from 33s. to 34s. per quarter; add to this insurance, Sound dues, 1s. 6d., and the prices will stand at 35s., delivered at the ports of Hull or London. And, Sir, I believe, from information derived from various correspondents on the Prussian frontier, that at 35s. we may expect considerable imports, and that at this price it will leave the producer a profit; what other markets have they for their surplus produce? Depend upon it whether they can afford it or not, or whether we require it or not, considerable shipments will be made, thus depressing unduly and unwisely the prices of home produce. Sir, upon the debate which ensued on the budget last year, I expressed an opinion which has since been confirmed and strengthened by the opinions of others at home and abroad, connected with the corn trade, that a moderate fixed duty on the import of corn, though it would bring a large sum into the Exchequer, would not in usual seasons enhance the price to the consumer, that it would act only as a protection when prices were ruinously low, and at such periods as the hon. Member for North Northamptonshire has said; it became a question whether low prices were a blessing or a curse; it might prevent imports below 35s., it might keep prices nearer 40s. than 30s., and would prove beneficial to all classes, bring in a large sum to the revenue, and enable the Chancellor of the Exchequer to repeal taxes which press on the poorer classes, namely, those on soap, tea, sugar, and beer. The hon. Gentleman the Member for the West Riding took me to task last year for proposing, as he said, a tax on corn, for the hon. Gentleman misrepre-

sented me. I do hope he now understands me, and that I do not now propose a duty of 5s. on the importation of wheat. I shall give, as I have before said, the great experiment of free trade a full and fair trial; but should the fitting time come to impose that duty, should the Chancellor of the Exchequer ever propose such a duty, it will have, if I have the honour of a seat in this House, my most cordial support. Sir, I have the authority of the noble Lord opposite the First Minister of the Crown, that such a period may arrive. The noble Lord, in a recent speech in the House, said, that however true were the principles of free trade, circumstances might justify a moderate fixed duty on that article.

MR. J. WILSON said, if the hon. Gentleman who had just resumed his seat would refer to the debate in which he (Mr. Wilson) had spoken, he would find that he (Mr. Wilson) had quoted the freight from Dantzic at 4s. only, and the hon. Gentleman had stated that the house with which he was connected was at present paying from 3s. 6d. to 4s. 6d. It was quite true that he (Mr. Wilson) had stated the total expenses of transport, including the cost of conveyance from the interior of Poland, at 16s. a quarter; and that cost was to be added to a price which the Prussian official returns stated at 37s. on the spot in the interior. It was clear that it would not have been fair to take merely the freight from Dantzic, to which port the wheat was to be brought from the inland districts of Prussia or Poland. The hon. Gentleman observed that the charges in this country for conveying wheat to market should not be forgotten in estimating the price; but, on the other hand, neither should the charge of conveying foreign wheat imported from the shipping port to the manufacturing districts where it was consumed be left out of consideration. The hon. Gentleman next said that he (Mr. Wilson) was not justified in taking the average prices of the last ten years as the criterion of the next ten years, and gave a most extraordinary reason for it, remarking that during the last ten years we had a protective duty, and overlooking entirely the fact that that duty had the effect, if it had any effect at all, of reducing the price of corn available for importation into this country. If there was one thing more certain than another, it was that the opening of a large market to the continental growers must have the

effect of increasing, not of diminishing, their prices. The hon. Gentleman observed that we had a very deficient harvest in 1848, and, therefore, it was not matter of surprise that the large importation of 1849 should have been consumed; was it not clear then that the people of this country must have derived the greatest possible benefits from that importation? With a defective harvest, instead of the price rising to 72s. or upwards, as under the sliding scale, it might have done, we had an immense quantity imported from abroad, and a moderate range of prices. The hon. Gentleman asked what was the lowest price to which they (the free-traders) thought it desirable that prices should come. He would reply that it was very obvious that a low price of wheat or any other article was only desirable so long as it could be profitably produced at that price. It was clear that it was not for the permanent advantage of the consumer that the price of any article should be pressed down below the average cost of production, because a corresponding reaction must ensue. Again, the hon. Gentleman said that a fixed duty would not raise the price of wheat to the consumer; but if so, it need only be asked, of what possible benefit could it be to the agriculturists?

MR. BANKES expressed his surprise that the hon. Member for Westbury's sagacity had not led him to observe—what, indeed, was the drift of the argument of the hon. Member for Wakefield—that a removal of protection necessarily created the desire to increase the produce, and that increase of produce was what led to the decrease in the price of it. They had learnt from the remarks which had fallen from several hon. Members that evening how foreign countries were preparing their land with the view of supplying the markets of this kingdom; and that was the reason, as the hon. Member for Westbury must be aware, why, during protection, prices might, and would, be of different value from what they might and would be after protection was removed. It had been a source of satisfaction to those who sat on that (the protectionist) side of the House to hear the speech of the right hon. Gentleman the Chancellor of the Exchequer, differing as it did, in one respect, from all those speeches which had proceeded of late from the Treasury benches, with regard to the tone he had taken respecting the condition of the agricultural interest. In the



last debate they had had on the subject of the landed interest, the right hon. Gentleman the Secretary at War had taken the lead in answering them on the part of the Government, and that right hon. Gentleman was very pleasant on the occasion, not admitting the distress of the agriculturists, save in a very partial degree, and at all events congratulating them on some advantages which he considered the recent changes had conferred upon them. They had, the right hon. Gentleman was pleased to observe, their seeds very cheap; they had, too, labour very cheap. Why, those were precisely two of the points of which they complained; and he confessed he was rather unable to account for the merriment which the right hon. Gentleman had exhibited on the occasion referred to, unless, perhaps, the reason lay in the fact of which they had just been informed by the right hon. Chancellor of the Exchequer, that Scotland had had three quarters of the amount of the loans which had been advanced by the Government for drainage purposes. [*Laughter.*] It might be very well for them to laugh whilst the right hon. Gentleman the Secretary at War won, and they lost; but he could assure the House that those who resided in his part of the country were animated with very different feelings from what the right hon. Gentleman meant to express, if he meant that their distress was to be treated with anything like jocularly; for the distress that prevailed gave them much cause for alarm, and it was not without painful feelings that they (the representatives of agricultural districts) found themselves under the necessity, when so much distress prevailed, of voting such large sums of money as were required for the services of the country, but which they were induced to consent to vote, though with this consideration, that, whilst they did so, they must not fail to look to other points for reductions—ay, and to find them, too, before the end of the Session; for no confidence would be given to them if they were not to show that they were impressed with a sense of the severe distress under which those they represented were labouring.

MR. MACGREGOR was astonished that hon. Gentlemen on the other side of the House were not satisfied with the speech of the right hon. the Chancellor of the Exchequer; for everything in that speech had had a reference to the agricultural interest. He believed it would be found almost impossible to bring wheat

from foreign countries and sell it with any advantage unless the prices in this country ranged from 40s. to 46s. per quarter. The low prices of 1849 had been principally caused by the disturbed state of Europe in 1848, and people being thrown out of employment and rendered unable to pay for the produce of their abundant harvest. The consequence was, a much greater quantity than ever could otherwise have been exported had arrived in this country. During 600 years prior to 1846, France had always imported a great quantity of breadstuffs. Upon the whole, he was satisfied with the statement of the right hon. Gentleman; he only regretted that, in the appropriation of the surplus, he had not taken off the stamp duty from marine insurances. In consequence of these stamps, marine insurance was rapidly going from this country. In 1841 the revenue from this source was 266,000*l.*; in 1848, 160,000*l.*, showing a diminution of 106,000*l.* The amount of property risked on the seas in our commerce with all parts of the world was about 220,000,000 per annum, a great portion of which was either not insured at all, or insured in foreign countries. He trusted the right hon. Gentleman would be enabled to remit this duty; it was necessary to the full enjoyment of the benefits resulting from the change in the navigation laws.

COLONEL DUNNE had observed that, of late, all mention of the state of Ireland had been carefully avoided. Since the first night of the Session, when the prosperity of the whole country was affirmed, including Ireland, there had been a gradually increasing acknowledgment that the agricultural classes were suffering; that fact had just been admitted by the right hon. Chancellor of the Exchequer, and every one must confess that of that suffering Ireland bore the most. There was no gainsaying the fact that the repeal of the Customs had inflicted great injury upon Ireland; the loss upon the single article of wheat being 6,500,000*l.* He had therefore hoped to have heard that night of something for the alleviation of Irish distress. Had Irish Members reason to be satisfied with the budget? The abolition of the duty on bricks was given as a boon to the agriculturists of this country, although hon. Members opposite did not seem to consider it an equivalent to their loss by the repeal of the corn laws. It might, however, be some boon to England,

but it was none to Ireland, for they had no duty on bricks in the latter country. The proposition in respect to the stamp duties seemed to be a reduction; but in truth it was not a reduction for Ireland, it was merely a readjustment which had been promised by the Chancellor of the Exchequer long since. Indeed the amount of revenue that would be raised by the tax after this so-called reduction, would in Ireland, he believed, be greater than before. There was, then, no remission of taxation for Ireland, although at that moment they were about to withdraw the expenditure of the large sum laid out by the viceregal establishment. The advances of loans for the improvement of land was no longer a boon, for it was a fact that in Ireland the landlords were gradually giving up loans, because they found that present prices of produce did not repay them for the outlay. Arterial drainage was, no doubt, an advantage, but it could only be so locally, for in many parts of the country it would be worse than useless. The people of Ireland would contrast, as he could not help doing, the speech of the right hon. Gentleman with the statement made recently by the hon. Member for Buckinghamshire, who he regretted to see was still absent from his place. That hon. Member offered Ireland a tangible boon when he proposed to remove from them a portion of the poor-law establishment expenses.

MR. G. SANDARS wished to explain two points. The hon. Member for Westbury had stated that he (Mr. Sandars) had said that the expense of freights to this country was from 11s. to 12s. On the contrary, he stated it was not half that sum; that 5s. or 6s. were the expenses and not the freights, and that the expenses included Sound dues and other incidental charges. The hon. Member had also charged him with stating that a moderate fixed duty would not enhance the price of corn to the consumer in this country. What he said was, that a moderate fixed duty would not in usual years enhance the price of corn in this country, but that it would do so in extraordinary years like the present, and that then it would act as a protection.

MR. CAREW feared that the want of confidence in all agricultural investments was such that the good old system of leasing for a term of years, which had heretofore existed, would be given up. No man had sufficient confidence in land now to take a lease. There was another boon also

promised to the agriculturists by the right hon. Chancellor of the Exchequer, which want of confidence in the land would destroy. How was it possible, when the landowners were struggling, and hardly able to get in their rents at all, for them to raise money to improve their land by fixed payments, which would weigh them down? The drainage of the land would, no doubt, be attended with beneficial results, but it was absolutely necessary that agricultural buildings should be also improved.

MR. SLANEY thought the remission of the duty on bricks would be a great advantage to the humbler classes, whose interests in its remission were deeply concerned. Hon. Gentlemen on all sides of the House desired to have some mode of lightening taxation. He would ask, was there no other method by which the weight of taxation might be diminished, except that of reducing taxes? He thought there was another mode, and that was by stimulating the industry, the enterprise, and the spirit of the people, who created the capital of the country. At present the humbler classes had no facilities open to them for the safe investment of their savings. Did they desire to buy a piece of land? The cost of the conveyance and the complexity of the title were such as to operate as complete obstacles to their carrying that desire into effect. The difficulties were equally great if they wished to invest their money in mortgages, in which case they were almost sure to become the prey of some needy attorney. He asked the House and the Government to consider the justice and policy of giving these parties fair play with respect to opportunities for the investment of their small capital which they had accumulated by their industry. He thanked Her Majesty's Government for the remission of the taxes on the conveyances of small properties. At the same time he was convinced, if they investigated their taxes generally, they would find they were not imposed fairly upon all classes of the community, and that the humbler classes had to pay more than their share.

CAPTAIN HARRIS said, his remarks on a former occasion had been somewhat misunderstood. What he said on the Motion of the hon. Member for West Surrey was this—that he looked upon the Motion as one to compel the Government to a revision of taxation. By that revision of taxation, he meant a re-distribution more equal

and fair to the agricultural interest, which was acknowledged by all parties to be in a state of great distress. He contemplated a tariff of customs duties upon a revenue basis, including a 5s. duty on foreign corn; which would enable the Government to reduce one-half the amount of the malt tax, and to repeal the excise duty on hops. He would also insist on the equitable assessment of personal as well as real property to local taxation. He regretted to find that the customs revenue had considerably fallen off within the last few years, for, whilst the amount in 1845 was 24,000,000*l.*, it was now under 20,000,000*l.*, and that notwithstanding the immense extension of capital and enterprise. He did not believe that any material reduction could be made in the expenditure without a complete revision of taxation.

MR. HEYWORTH said, our mode of taxation had been exceedingly mischievous and injurious to the working classes. In his opinion, the only hope of escaping from the difficulty now pressing on the country lay in the transfer of the burdens of the country to direct taxation, by means of an income or property tax.

MR. F. MACKENZIE said, the two or three observations which he had to make, were on a subject more especially affecting that part of the united kingdom with which he stood connected. He understood that the right hon. Gentleman the Chancellor of the Exchequer proposed a grant of money for the purpose of drainage in the united kingdom, that was to say, in England and Scotland conjointly. Now, he was told, that because, in regard to the last grant made by the House, Scotland had shown her prudence and foresight to the Chancellor of the Exchequer, by having secured to herself three-fourths of it, and England had found out, from Scotland taking it, the loan was a good thing, that now, in the case of a new grant, she was to be limited. That was a very poor return to them for having come forward to avail themselves so readily of the boon offered them by the House. He was sure they would agree with him that they were hardly treated, if having come forward in competition with England and her greater population, they were now to be precluded from participating in another grant, because England had found out it might be used with advantage.

MR. GOULBURN would not go into the various topics touched upon during the present debate, but there was one point ad-

verted to by the right hon. the Chancellor of the Exchequer, respecting which he wished to say a few words. His right hon. Friend had announced the death of Mr. Brooksbank, of the Treasury, in terms of regret which were due to one of the most faithful, long tried, and valuable public servants that this country had ever produced. He knew that the services of such gentlemen as Mr. Brooksbank were little appreciated by the House, and were underrated by them; and, however ably they conducted the affairs of the country, and however necessary their services were to the Gentlemen who filled more prominent situations in the public service and in that House, yet they were all too apt to forget the labours and exertions of those to whom they owed so much. Mr. Brooksbank had occupied a situation in the public service for forty years, and during the whole of that period he had given the most unremitting attention to public business, and had acquired a fund of knowledge and information which had been of the greatest advantage to successive Chancellors of the Exchequer when they came to the discussion of those great financial questions which occupied so much of the attention of that House. He was sorry that he had not rendered this tribute to Mr. Brooksbank's merits during his lifetime, that Mr. Brooksbank might have known how highly he (Mr. Goulburn) appreciated his services. But it would be, he trusted, satisfactory to his family to know that the House of Commons did not feel otherwise than that they owed a deep debt of obligation to his memory for the services he had rendered to the public, and that they acknowledged the merits that Mr. Brooksbank had shown during the long period in which he had held his responsible situation. It would be fortunate if those who succeeded him should earn a similar title to approbation, for Mr. Brooksbank's services could not be too highly praised.

COLONEL SIBTHORP said, his opinion was that, instead of a surplus of 1,500,000*l.*, there was, in fact, no surplus at all. The House had no balance-sheet before them, and, if the truth had been told, it would have appeared that the country was over head and ears in debt. All Chancellors of the Exchequer made fallacious statements, and held out promises never to be realised. They had heard that night something about the transfer of property. That, he supposed, was as much as telling them they would have to sell all their properties. No-

thing would do but to keep a strict look-out for every item in the estimates, and he thought something might be done by getting quit of a useless Lord or two of the Admiralty, and by sweeping away a few officers that were of no use to the country.

MR. HEALD congratulated the House and the country on the reappearance of the right hon. Gentleman the Chancellor of the Exchequer, and said he wished to advert to one topic of the right hon. Gentleman's speech. He said he could not congratulate the country at large upon the fact that the condition of the industrial classes of the community had kept pace with that of the monied interest. For twenty years that subject had made a great and painful impression upon his own mind. He had watched the progress in this country of the capitalist, the increase of productive power, and the altered condition of the operative classes, and he saw that the distance between the head and the feet of the body politic was daily on the increase; and no country could be in a satisfactory condition when that was the case. While he sympathised with the sufferings of the agricultural classes generally, still as a representative of a borough he was bound to tell the House that a large class in society, the shopkeepers, were at that moment amongst those most deeply affected by the distress of the country. Yet as the middle classes of society might be called the backbone, connecting the extremes of society together, that was not a healthy state of things they were producing, if they were weakening that connexion. He had listened with pleasure to the proposed reductions referred to by the right hon. Gentleman in his financial statement; but he would have been better satisfied if he had heard that what surplus was left on hand was to be applied to the reduction of the debt accumulated in the course of the last twenty years, of which there was yet a balance of 27,000,000*l.* Whatever was done, the national credit must be sustained if they would prosper. But next to that object, the other two reductions he should have wished to have made were those chosen by the right hon. Gentleman. The reduction of the stamp duty would relieve the agricultural classes on the one hand, and the reduction of the excise duty on bricks would, he believed, be a great benefit both to the manufacturing and agricultural operatives, as it would directly and extensively promote the demand for labour in

districts where the want of it was much and severely felt.

MR. HENLEY said, he had heard many in the course of that debate pretend to say that an equalisation of the stamp and brick duty was a benefit to the agricultural classes. He begged leave to state it as his opinion, that it would be no such thing. That they would not benefit in proportion to their part in the community he would not deny, but he wished to remind the House that three-fourths of the brick duty were paid, not by them, but by the manufacturing towns and the large buildings of this country. As for the stamp duty, that might be of advantage to the hon. Member for the West Riding, who was engaged in founding societies for the purchase of small freeholds. Indeed, generally, there was a greater amount of small lots of household property transferred than of small pieces of land, therefore he denied that these reductions would be any special benefit to the agriculturists. But if they had been got up for the purpose of throwing dust in their eyes, after the plaintive tone in which the right hon. Gentleman acknowledged their distress, he at one repudiated any such impression in regard to them. He could understand now with what intent in that night's debate, and in debates elsewhere, so much effort had been made to impress them with the idea that whatever present prices might be—and they were only the consequences of extraneous and temporary causes—prices yet might be higher. For if the agriculturists would take up the notion, pledge their estates, borrow money, and keep large crowds of the people employed, then down would come the right hon. Chancellor of the Exchequer, and point to the state of the country as a demonstration of the advantages of free trade. When the right hon. Chancellor of the Exchequer talked about the ruin that would befall a nation that went on borrowing, he could not help thinking it a little inconsistent to ask the landed interest to take these loans and pledge their estates, their only prospect being the price of wheat continuing at 35*s.* a quarter.

On Question—

*“Resolved—That, towards making good the supply granted to Her Majesty, the sum of 9,200,000*l.* be raised by Exchequer Bills, for the service of the year one thousand eight hundred and fifty.”*

Resolution to be reported on Monday



next; Committee to sit again on Monday next.

Committee report progress; the House resumed.

#### SUPPLY—ARMY ESTIMATES.

The House resolved itself into a Committee of Supply; Mr. Bernal in the chair.

The first Vote put was a vote of 80,000*l.* on account for General Staff Officers on foreign stations, exclusive of India.

MR. HUME said, this vote was among the estimates being considered by the Committee upstairs; but he believed it might be reduced one-half with benefit to the service.

MR. B. OSBORNE wished to know if there had been any new issue of swords to the cavalry of the invention of the hon. Member for Birmingham.

MR. FOX MAULE was not aware that there had been any such new issue of swords; but he had seen the pattern sent to the Horse Guards by the hon. Member for Birmingham, and thought the weapon a very great improvement on the present cavalry sword.

Vote agreed to.

The following Votes on account were then severally agreed to without discussion:—

(2.) 46,000*l.*, on account, Public Departments.

(3.) 8,000*l.*, on account, Royal Military College.

(4.) 9,000*l.*, on account, Military Asylum, &c.

(5.) 40,000*l.*, on account, Volunteer Corps.

(6.) 7,000*l.*, on account, Rewards for Services.

(7.) 29,000*l.*, on account, General Officers.

(8.) 27,000*l.*, on account, Reduced Officers.

(9.) 190,000*l.*, on account, Half Pay.

(10.) 21,000*l.*, on account, Half Pay, Foreign Officers.

(11.) 63,000*l.*, on account, Pensions to Widows.

(12.) 45,000*l.*, on account, Compassionate List.

On Vote (13.) 17,000*l.* on account of Chelsea and Kilmainham Hospitals,

MR. HENLEY asked whether the arrangement with the East India Company, as to the payment of 60,000*l.* on account of the non-effective service of the Army, would come under the consideration of the Select Committee now sitting on the Army

Estimates? The 60,000*l.* bore a very small proportion to the whole cost of the non-effective force; and he wished to know on what foundation the bargain rested as between the revenues of India and the revenues of this country?

MR. FOX MAULE replied that the Committee had not taken that question into consideration, so far as they had yet gone. The East India Company paid 60,000*l.* yearly to the Treasury on this account, and it was paid into the Exchequer, and appropriated in aid. It was never borne on the Army Estimates.

Vote agreed to; as were also, without discussion, Votes (14.) 600,000*l.*, on account, Out Pensioners; and (15.) 20,000*l.*, on account, Pensions, Public Departments.

#### SUPPLY—NAVY ESTIMATES.

SIR F. T. BARING said, he only proposed to take two votes in the Navy Estimates to-night.

The first Vote (No. 16.) was 1,322,939*l.* for the wages of Seamen and Marines.

MR. HUME said, as the other side had voted the number of men, he was not disposed to deny the men their wages. The proper way to reduce this vote, was by reducing the number of men; and it was too late to do that now.

CAPTAIN BOLDERO said, he had a Motion on the paper regarding the accommodation on board Her Majesty's vessels of war for assistant surgeons in the Navy; but as only two votes were now to be taken he would not impede the course of public business by pressing it at present. But he gave notice that he would renew the same Motion the next time the Navy Estimates were brought on; and he would do so before the Speaker left the chair, because he felt that important questions did not receive so much attention in Committee.

SIR F. T. BARING promised that every opportunity should be afforded the hon. and gallant Member for bringing forward his Motion.

MR. HUME thought the treatment practised towards the medical officers of the Navy a disgrace to the country.

Vote agreed to; as was also No. (17.) 521,179*l.*, Victuals.

Resolutions to be reported on Monday next.

Committee to sit again on Monday next. House resumed.

The House adjourned at half-after One o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, March 18, 1850.*

MINUTES.] CERTIFICATE OF THE CLERK OF THE CROWN—That the Earl of Airlie and the Lord Blantyre had been elected Representative Peers for Scotland in the room of David, Earl of Airlie, and John, Lord Colville, of Culross, deceased.

PUBLIC BILLS.—1<sup>a</sup> Consolidated Fund.  
3<sup>a</sup> Commons Inclosure.

WATERFORD, WEXFORD, WICKLOW,  
AND DUBLIN RAILWAY.

The Order of the Day being read for the attendance at the bar of the House of Mr. Charles de Lacy Nash, secretary to the committee of the company, the Yeoman Usher informed the House that Mr. Nash was in attendance; whereupon, on the Motion of Earl GRANVILLE, he was called in and examined. He stated that he was not the secretary of the Waterford, Wexford, Wicklow, and Dublin Railway Company, but that he was the secretary of an association of shareholders in that company, and that he had sent in to the Railway Commissioners, of his own accord, a copy of a return from the chairman and secretary of that company, because an order had been made by their Lordships in last March for the production of that return, and great delay had occurred in obtaining it from the company. The original return was made under an order of their Lordships issued in March, 1846, and his copy of it—which was a literal and exact copy, without any addition on his part—was made by himself from the original in the Private Bill Office. He had written on his copy “Courtown, chairman,” in his ordinary handwriting, and not with any intention of having it supposed that it was the genuine autograph of that nobleman. He had no power to put in the original return, nor could anybody put in that return without the authority of Parliament. If the original had been missing ever since he made his copy, he knew nothing about it, and certainly had not abstracted it himself. His object in sending in his copy to the Railway Commissioners was to make the case of the shareholders of that company known to that body. A similar copy had been exhibited to the solicitors of Lord Courtown, and they had admitted it to be correct. He had never heard till that moment that the original return was now lost.

The witness was then ordered to withdraw.

LORD BROUGHAM moved that the evidence be printed, and that the witness be

ordered to attend at the bar again on Friday next.

Ordered accordingly.

APPELLATE JURISDICTION OF THE  
HOUSE OF LORDS AND OF THE JUDICIAL  
COMMITTEE OF THE PRIVY  
COUNCIL.

LORD BROUGHAM then rose, in pursuance of his notice, to call the attention of their Lordships to this subject, which was one of vast importance to the administration of justice, not only in these kingdoms, but also in our vast colonial empire. If we chose for the purposes of our ambition to possess a boundless empire, on which the sun never sets—if we chose to “govern the nations of the earth,” it was our duty—still using the language of the Psalms—“to judge the folk righteously;” and, without so judging them, and without securing for them a due administration of justice, never could we expect that they should be “joyous and glad” in our dominion. That we did upon the whole administer justice in a satisfactory manner—that our rule over the nations had been attended with infinite advantage to them, when compared with the detriment inflicted by other nations by their rule over their foreign dependencies—was a proposition so self-evident—was a proposition to which all history bore testimony, and which even our rivals did not attempt to deny—that he would not stop to waste a word in an attempt to prove it. Nevertheless, it was not to be denied that our judicial system was yet very imperfect; and never ought we to stop in our reflections upon the advantages which we had gained by it so long as we left any flaw or defect unamended in it, or any improvement unmade which it was within our power to make in it. He begged their Lordships to keep this remark of his constantly in their mind, in case hereafter his statement should appear to be inconsistent with itself, and should appear to be of a complaining aspect, or should look as if it were casting discredit on our judicial system. It would be most unjust to do so. He admitted that our system contained in itself many advantages; he believed that, in some respects, it came near to perfection; but he could not refrain from admitting that in others it wandered wide from the mark. Still, in comparison with the colonial system of other countries, it did almost deserve the title of perfection. He had compared it often, as his duty prompt-

ed, with other systems, and his conviction was strong and unhesitating, and he should be very wrong in endeavouring unnecessarily to find fault with it. It, however, would be no defence for us, if we did not make our system as good as could be, that the system of others was quite as bad as could be. He would now proceed to call the attention of their Lordships to the result of certain papers for which he had moved, and which were now on their table, and which threw some light on our judicial system at home, in the Channel Islands, and in our Colonies abroad not forming part of our possessions in the East Indies, and also those in the possessions of the East India Company. He had asked for those returns because he thought that they would throw light on our appellate jurisdiction, for that was a test by which to try our administration of justice in those Colonies from which the appeals proceeded. He had moved for accounts, for the last twenty years, of the number of appeals in the three great branches of our judicial system in Europe—he meant in England, Scotland, and Ireland—and also for accounts, for the last ten years, in two other great branches of our system—in the Colonies of the Crown, and in the possessions of the East India Company. At first sight it appeared extraordinary that there should be such a great disproportion between the number of appeals brought before the House of Lords, and the number brought before the Judicial Committee of the Privy Council, and that the jurisdiction, which distributes justice among 100,000,000 of inhabitants both in the native courts and the Supreme Court of Sudder Adawlut, should afford a number of appeals so inferior to that accruing from those courts which he might designate, if not as English, certainly as British courts. Now, the number of appeals heard, decided, and determined before their Lordships in the last twenty years ending in February, 1850, were, from England, 140; from Scotland, 534; and from Ireland, 75; but from all India, with that immense body of feudatories, and with that immense number of local courts, and with the supreme courts of Sudder Adawlut, there had only been 66 appeals in the last ten years. He confessed that he had been somewhat surprised at this discrepancy until he came to consider its origin. The cause was, not that there was more contentment with the decisions in India than with those in the mother country; no such thing; but that the ex-

pense of carrying on an appeal to the other side of the globe was much more than that of bringing it from any part of Great Britain and Ireland to a body sitting in this metropolis. There was also another reason, and that was this—their Lordships did not allow appeals to be made in causes where the matter in dispute was below a certain value. Now as to the result of these appeals. Of the 140 appeals which had been heard from the various courts in England, 140 in number, there were only 38 in which the decree or order had been reversed or varied, being about  $27\frac{1}{2}$  per cent on the whole. Of the 534 appeals which came from Scotland, there were only 153 cases in which the decree or interlocution had been reversed or varied, being about  $28\frac{1}{2}$  per cent on the whole; and, of the 75 appeals from Ireland, only 34 in which the decree or order had been reversed, being 44 per cent on the whole. In the same time, in writs of error confined to equity proceedings, we had heard and determined from England and Ireland 62 cases. Of these 41 came from England, and seven ended in reversals; and 21 came from Ireland, and ended in six reversals. But this was nothing when compared with the reversals upon appeals coming from the Consistorial and Admiralty Courts of this country. First, he would state the appeals coming from the Consistorial and Admiralty courts of London. The appeals were 66; the reversals were 17. Then, from the Consistory and Chancery of York, the number of reversals was in much larger proportion. The noble Earl opposite, formerly his Colleague for the county of York (the Earl of Carlisle), shook his head incredulously at that statement: but it was nevertheless correct. There were but five appeals, but in four of them the sentence or order had been reversed or varied. From the Commissioners of Slavery Compensation there had been three appeals, in all of which the award had been varied; from the Commissioners on French Claims, one, in which the award was affirmed. In 16 appeals from the Channel Islands and Isle of Man, there were 5 reversals. From the Colonies other than the East India Company's possessions there had been 83 appeals, in 32 of which the judgments had been reversed. From the East India Company's possessions in India, there were, from the native and supreme courts, 66 appeals, in 43 of which the judgment had been reversed or varied, being about two-

thirds. But it was singular enough that a much greater proportion of reversals had taken place in the appeals from the high and supreme courts than from the Sudder or native courts. Thus, of 41 appeals from the Sudder courts, there had been 21 reversals, or about one-half; while, of 25 cases of appeal from the supreme courts, there were no less than 22 reversals; making a proportion of 7 reversals to one affirmance—a very large proportion. When the Judicial Committee were administering justice in these cases in the last resort, they were administering the law with which they were often necessarily most imperfectly acquainted. When they had to deal with cases from the supreme courts of India where the law was like our own, they were bound to know it, and to be competent to decide; but the law in the Sudder courts of India—that was to say, in the Zillah courts, in the Provincial courts, and the Sudder Adawlut courts, with their appeal to the Judicial Committee of the Privy Council—in the class of cases from these native courts a knowledge of the Hindoo law in all its niceties was required, and the want of acquaintance with Hindoo manners and customs occurred to puzzle and hamper them. The character of the natives, so necessary to the due administration of the law, was unknown to them except by report, and yet it was highly essential that the judges of a final court of appeal should know their peculiar habits of mind with regard to the giving of evidence, in order that they might be enabled to examine and weigh their testimony, and the documents in support of that testimony, on both sides. It was a truly painful thing to observe what a vast mass of perjury in this class of cases came before them in the testimony which the Judicial Committee had to weigh, and what a mass of forgery there was to support the perjuries, so that it was hardly possible for those who were accustomed to examine cases from the English and Scottish courts to imagine how so much perjury and forgery could be imported into the administration of justice. What was the result? That the Judicial Committee was left to trust very much to the judgment of the Sudder courts, who must be supposed to see and know more of the natives, and to be better acquainted with their habits and customs. They were led to suppose that what they—the Judicial Committee—did not know to be perjury, the judges of the native courts saw

to be such; and, seeing that the law, as well as the habits and character, of the natives was likely to be so much better known by the judges of the native courts, a judge of appeals at home found himself almost inevitably compelled to give more than the cast of the balance in favour of the native court. Was it not clear that the judges at home must naturally lean to the affirming of decisions where questions had arisen in the native courts, more than in cases from the supreme courts, where the law was like our own? That was one reason why the decisions were more likely to be unfavourable in a greater number of cases to the supreme courts than to the Sudder courts. Then, owing to the high authority of the supreme court, and the great expense of prosecuting appeals from its decisions, parties would not appeal unless in cases where there was a great probability, if not an absolute certainty, of succeeding, and this might explain the great proportion of reversals in those appeals. It appeared that there were from the Sudder Court of Madras 8 appeals and 6 reversals; from the Sudder Court of Bombay, 8 appeals and 4 reversals. From the Supreme Court of Madras there had been 5 appeals, in all of which the judgment had been reversed; and from the Supreme Court of Bombay 8 appeals, in all of which the judgment likewise had been reversed. Thus, from the two Supreme Courts of Madras and Bombay there had been 13 appeals during the last ten years, in not one of which judgment had been affirmed, but the whole 13 had been reversed. Thus, in English appeals there had been between two and three affirmances for one alteration; in English writs of error, five affirmances to one reversal; in Scotch appeals, two and three affirmances for one alteration; in Irish appeals, between two and three affirmances for one alteration. In appeals from the London Consistory Court, three affirmances to one reversal; from the York Consistory Court, four affirmances to one reversal; from the Channel Islands, four affirmances to one reversal. In appeals from the Colonies and Plantations, less than two affirmances for one reversal, but that was in the last two years; in the whole sixteen there had been an equal number of affirmances and reversals. Then, in the appeals from the native courts of India, there had been nearly as many affirmances as reversals, and in the supreme court there had been seven reversals for



three affirmances. He did not think these returns ought to discourage them, but, on the contrary, ought to induce them to labour hard, and to endeavour, by increased diligence, to improve the administration of the law. He had heard, with much pleasure, of valuable suggestions from India with respect to improvements in the system of pleading, both in the supreme and native courts, and which, if they were framed upon sound principles, would be of inestimable benefit, not only to the suitors but to the judges in Indian courts, and to none more than the Judges upon the Judicial Committee, who would not only have a great diminution of the cases that came before them, but, still more, a diminution of that responsibility which now pressed upon them, whose errors were fatal, and who had to judge upon matters regarding native manners, customs, and laws, which were now veiled in obscurity from them. He trusted that the Government would proceed in exercising the most careful selection of persons to fill the high offices of judges in our colonial courts; and it gave him very great satisfaction to know that the East India Company were sparing no pains and expense in improving the education of those officers to whom would be entrusted the duty of presiding in the native courts. This work of education, begun in the splendid reign of the Marquess Wellesley—the greatest benefactor India ever had, and who prided himself upon no one success and no one effort more than that he had made in India to improve civil education, was now being followed up by the East India Company, in that admirable establishment for the education of young men at Haileybury, which he had been so much gratified, within the last forty-eight hours, to know was in successful operation. They had another college at Addiscombe, but that was a military establishment, and he knew nothing about that. But the judges in the native courts were obtained from the civil service of the company; and the young men at Haileybury, who went out as writers, were qualified to exercise these responsible functions by being carefully educated at Haileybury by the most learned professors, among whom he might mention Dr. Empson, the Professor of Law, and his excellent friend Mr. Jones, the Professor of History and Political Economy. Here these young gentlemen, to the number of eighty or ninety, were being instructed in Law, in History, in the Oriental languages,

and every thing that could fit them for the discharge of their future duties, and were living in a state of perfect harmony with their professors and each other. And this institution was a gratifying proof of the very great improvement effected during the last twenty-five years in the education of the judges of the East India Company's possessions. Great had been the benefit to India. But there was still much room for improvement, and the Government would, he trusted, take the utmost care in sending out good judges, not only to India, but to our other colonial possessions in the east and west—in Ceylon as well as in Jamaica and Barbadoes. He did not think that in any office it was more important that care and discretion should be exercised by the Colonial Minister than in selecting judges for the colonies. When he (Lord Brougham) held the Seals, he was asked to recommend the most suitable persons for these offices, but his answer was—Far be it from me to recommend fit and proper persons for such responsible offices, when you do not give me the means of going into Westminster Hall with such a salary and such a retiring pension as would enable me to obtain qualified men for these situations. Give him the means, and he would not fail to find such persons; but if the Government, from a miserable regard to the paltry and wretched saving of a few hundreds of pounds—if by that worst cruelty to the colonists they refused their judges such salaries and retiring pensions as would enable them to obtain the services of competent men—then he (Lord Brougham) would not recommend from Westminster Hall judges for the West Indies, for Canada, or for any other colony. The history of nearly all colonial squabbles almost entirely depended upon this wretched parsimony. The Government were obliged to take for colonial judges, not the best men, but the best men they could get—either young men without experience, who had never held a brief, or men who had tried the profession and who had failed in it. Well, the young man who had never held a brief, finding himself the second man in the colony, sought to become the first, and a squabble thereupon took place between him and the Governor. It was the most despicable want of wisdom and true and rational economy that would starve the administration of justice in order to save a paltry sum which would have been much better saved in any other department. He thought the greatest pain

ought to be taken to amend the law with regard to our judicial system. He wanted to show that the amount of reversals was no test, and he had brought no complaint against any one. The resolutions were merely resolutions of fact, and all that he would do at present would be to lay them upon the table and move that they be printed. The noble and learned Lord then presented the following results of the Returns which had been delivered to the House:—

"1. That it appears from Returns before this House, that the number of appeals from England, Scotland, and Ireland to this House, heard and determined during the 20 years ending February, 1850, has been—from England 140, in 38 of which the decision or order has been reversed or varied; from Scotland 534, in 153 of which the decree or interlocution has been reversed or varied; from Ireland 75, in 34 of which the decree or order has been reversed or varied.

"2. That there have been in the same time heard and determined 62 writs of error from England and Ireland, in which 13 reversals have been had, there having been 41 such writs from England, and 7 reversals—21 from Ireland, and 6 reversals.

"3. That there have been in the 10 years ending February, 1850, 66 appeals to the King in Council from the Consistorial and Admiralty Courts of London, in 17 of which appeals the sentence or order has been reversed or varied; from the Consistory and Chancery of York 5, in 4 of which the sentence or order has been reversed or varied; from the Commissioners of Slavery Compensation 3, in all of which the award has been varied; from the Commissioners on French Claims 1, in which the award was affirmed.

"4. That there have been in the said 10 years 16 appeals from the Channel Islands and Isle of Man, in 5 of which the judgment has been reversed or varied.

"5. That there have been in the said 10 years from the colonies and plantations, other than the East India Company's possessions, 83 appeals, in 32 of which the judgment or decree has been reversed or varied.

"6. That there have been in the said 10 years 66 appeals from the Company's possessions in the East Indies, in 43 of which the judgment, decree, or order, has been reversed or varied; 25 from the Supreme Courts, in 22 of which the judgment has been reversed or varied. That there have been from the Sudder Court of Madras eight appeals, in six of which the judgment has been reversed or varied; from the Sudder Court of Bombay eight, in four of which judgment has been reversed or varied; from the Supreme Court of Madras five, in all of which the judgment, or decree, or order, has been reversed or varied; and from the Supreme Court of Bombay eight, in all of which the judgment, decree, or order has been reversed or varied.

"7. That the average proportion of alterations of decrees or orders appealed from in England to the whole appeals has been 27 1-7th per cent; in Scotland, 28 3-5ths per cent; in Ireland, 45 1/2 per cent; in the Channel Islands, 81 1/2 per cent; in English writs of error, 17 per cent; in Irish writs of error, 28 1/2 per cent; in Consistorial and Admiralty appeals, 26 per cent; in York Consistorial

appeals, 80 per cent; in appeals from Bengal native courts, 44 per cent; in those from Madras native courts, 75 per cent; in those from Bombay native courts, 50 per cent; from Bengal Supreme Court, 75 per cent; from Madras Supreme Court, 100 per cent, from Bombay Supreme Court, 100 per cent; Slave Compensation Commissioners, 100 per cent—there being in these cases no affirmance.

"8. That in English appeals there have been between two and three affirmances for one alteration; in English writs of error, about five affirmances for one reversal; in Scotland, between two and three affirmances for one alteration; in appeals from Ireland, somewhat more than one affirmance for one alteration; and in Irish writs of error, between two and three affirmances for one reversal.

"9. That, in appeals from the London Consistorial and Admiralty Courts, there have been nearly three affirmances for one reversal; in those from the York Consistorial Court, four reversals for one affirmance; in those from the Channel Islands, above three affirmances for one reversal.

"10. That, in appeals from the colonies and plantations other than the East India Company's possessions, there have been less than two affirmances for one alteration.

"11. That, in appeals from the Indian native courts there have been nearly as many reversals as affirmances; and, in appeals from the Supreme East Indian Courts, seven reversals for one affirmance."

After a few words from the Marquess of LANSDOWNE,

Returns ordered to be printed.

#### SUNDAY LABOUR IN THE POST OFFICE.

The EARL of MALMESBURY alluding to the petitions which were presented to their Lordships a few days back, praying that all labour should cease on Sunday in the Post Office throughout the kingdom generally, said that he did not concur in the prayer of these petitions, and he believed that the parties who signed them did not properly understand the object of the petition. This was the way in which they were got up—a man was asked whether he was not desirous of keeping the Sabbath holy, and of course he answered in the affirmative. He was then asked whether he did not think it a hardship that the men engaged in the Post Offices in the country should not be treated on the same terms, with regard to working on that day, as those engaged in the Post Office in London, and to that question he also very naturally replied in the affirmative; and thus a large number of signatures was obtained throughout the country in favour of the abolition of work altogether in Post Offices on Sunday. He should like to know from the noble Marquess (the Marquess of Clanricarde) whether, as far as

his experience enabled him to speak, if the mails were to stop running on Sunday, any system could be contrived by which the letters could be delivered as often and as steadily as at present. It appeared to him (the Earl of Malmesbury) that, if the prayer of the petitioners were granted, the effect would be that people living about 100 miles from London would have two days in the week in which their news would be forty-eight hours old, instead of one day as at present; that in many cases, he believed, would be a most cruel inconvenience, and occasion a great deal of anxiety.

The MARQUESS of CLANRICARDE could have wished that a question of this sort had been put to him much earlier in the Session, as he had been subjected to very gross misrepresentations upon the question of Sunday labour. Even noble Lords, Members of that House, had gone so far as to publish letters in newspapers commenting in very harsh terms on his conduct on this subject. If the question had been brought at an earlier date before the House, an opportunity would have been afforded to him of meeting his accusers. As the noble Earl had not given him any notice of his intention to put this question, the best answer which he could give to him at present was, that he could assure him that he (the Marquess of Clanricarde) would lay on the table of the House reports which would clearly set forth what had been done with respect to Sunday labour in the Post Office within the last two years, and what was the view entertained on the question by the Post Office authorities. His own opinion was that it would be impossible, having due regard to the convenience and requirements, and indeed he might call them the absolute necessities of the community, to stop the transmission of the mails during the whole of Sunday. There was no duty, religious or otherwise, which imposed that necessity upon us. But he was the more prepared to lay the papers to which he had alluded on the table of the House, since notice had been given in the other House of the intention of an hon. Member to ask the Government for information upon the subject, and these returns, he thought, would give the noble Earl all the information he desired.

The BISHOP of OXFORD, after the promise made by the noble Marquess, would not then enter into the general question of stopping the mails on Sunday, though he confessed he did entertain a strong opinion on the subject.

LORD BROUGHAM: Do you mean to stop them altogether on Sunday?

The BISHOP of OXFORD: Yes; but his purpose in rising was to refer to what fell from the noble Earl opposite (the Earl of Malmesbury). He stated that the petitions presented on this subject were petitions signed by a very large number of people who knew very little what they were signing about, and that they were induced to sign by being told that it would be a good thing for them if they signed the petitions. He (the Bishop of Oxford) had a large number of these petitions to present to their Lordships, and he felt bound to say that the observations of the noble Earl could by no means apply to them. They knew perfectly well what they had asked for, and they believed that if it were granted it would be beneficial to all interests in this country that the business of the Post Office generally should be stopped throughout the country on Sunday.

The MARQUESS of CLANRICARDE: Nobody could feel more deep respect for the motives of the parties who had signed the memorials on this subject than he did, and, in proof of that feeling, he might point to the diminution of Sunday labour in the Post Office which he had endeavoured, as far as his duty would permit him, to effect. The report which he would lay before their Lordships would disabuse the public mind.

LORD BROUGHAM wished to know whether the parties who would stop the transmission of the mails all over the country, would stop also the mail-packet service; because he was puzzled to know how that was to be done?

The EARL of HARROWBY said, that having sat in a Select Committee on this subject, he could state that the merchants and men of business in Liverpool and other large towns would not object to be placed upon the same footing as the mercantile men of London with regard to Sunday deliveries of letters. These were not persons to be led away by fanatical feelings.

LORD BROUGHAM: The persons who advocated these extreme views inflicted the greatest mischiefs upon the observance of the Sabbath. He regarded the observance of the Sabbath, not only as one of the most important religious duties, but as most important in a political sense. But these extravagances tended to make that unpopular which would otherwise be a most popular institution. Did the persons who cried out against the transmission of mails on Sundays wish to stop the mail packets?

well? Would they have the steam-engine stopped, the steam blown off, and the vessel "brought to" from Saturday night until early on Monday morning—blow fair or blow foul? Let it be remembered that, although the sea was the "highway of nations," there were no inns on that road.

#### THE CASE OF MR. RYLAND.

The DUKE of ARGYLL said, last Session he had occasion to call the attention of the House to the injustice committed on Mr. Ryland respecting an office which he held in Canada. He was in great hopes that that statement of his case, even in such hands as his, might have led to a reconsideration of the case, either on the part of the Government at home or at the Colony. But he regretted to find that nothing had been done. He did not think it his duty to let it rest where it was. After a full and careful investigation of the case, he retained the opinion that he had already strongly expressed in the House. Understanding that the papers on this subject were about to be laid on the table of the House of Commons, he rose now simply to move that they be produced in their Lordships' House as soon as possible. He probably would found a Motion upon them after the Easter recess. He earnestly hoped that when they were produced their Lordships would pay some consideration to the case; and at a time like the present, when figures and facts were important, and when most righteous measures were being taken to secure compensation to British subjects for injuries received at the hands of foreign Governments—injuries sustained not only by subjects but servants of the Crown—he hoped that the debts in this instance would not be neglected. His Grace then moved an Address for copies or extracts of the correspondence and memorials or representations relative to the claims of Mr. Ryland, formerly Secretary to the Executive Council of Canada.

EARL GREY said, there was no objection on the part of the Government to produce without delay in that House the papers which had been moved for in the House of Commons. He believed that the case of Mr. Ryland had been treated throughout with very great consideration and liberality, and a perusal of the papers justified him in stating that no charge could be made out either against the Imperial Treasury or the Colonial Office on that subject.

Motion agreed to.

House adjourned till To-morrow.

#### HOUSE OF COMMONS,

*Monday, March 18, 1850.*

MINUTES.] PUBLIC BILLS.—1° Brick Duties.  
2° Mutiny; Marine Mutiny; Fees (Court of Common Pleas).

*Reported.*—School District Contributions.

3° Consolidated Fund (8,000,000*l.*).

#### CALEDONIAN AND EDINBURGH AND GLASGOW RAILWAYS AMALGAMATION BILL.

MR. COWAN rose to move that the order for the Second Reading of this Bill (which stood for this day) should be discharged. As the intentions of the promoters of the Bill had been a good deal misunderstood, he begged to make a few observations on the subject. About six months ago it was thought desirable that an amalgamation of the Caledonian Railway and the Edinburgh and Glasgow Railway Companies should, if sanctioned by the various classes of parties interested, be brought about. The circumstances of the Caledonian company had some time since rendered a committee of investigation necessary, and Mr. Blackburn, the chairman of the Edinburgh and Glasgow Railway, made a proposition to that committee with the view of such amalgamation. The Caledonian line had been approved of by Railway Commissioners appointed by Government; and after a severe Parliamentary contest, was sanctioned by a Committee of the House of Commons in 1845. It was constructed in a wonderfully short space of time, and reflected the highest credit on the engineering skill and talent of his hon. Friend the Member for Honiton. It was now universally acknowledged that such a line ought not to have been made, as it not only went through a district noted for bleakness and sterility, but was in addition exposed to the competition of two nearly parallel lines, one on each side of it. The Caledonian company was now proved by the report of its own committee to be, at this time, in a state of utter inability to meet the claims upon it, whether arising from debentures or from guaranteed lines; and the only object of the promoters of the present Bill was to raise the question whether or not means could be adopted by which the business of the two railway companies might be conducted by one establishment—one secretary, one engineer, and one set of clerks and bookkeepers, so that a very large amount of saving might be effected to both companies. He readily admitted that if there



had been funds to meet the engagements of the Caledonian company, the proposal would have been a very monstrous one indeed; but it was never intended to do anything that would not be of general advantage. He was not the author of the Bill, but he thought that, preserving the rights and obtaining the consent of all parties, some such arrangement might have been come to before a Select Committee of the House as would have greatly economised the management of both lines. Certainly, he would not have lent himself to anything like a confiscation of property; but he thought Parliament, having deluded the unfortunate shareholders into the construction of this most ruinous undertaking, he held that they were bound, if called upon, to reconsider the case, with the view of ascertaining or suggesting some mode whereby, possibly, a less disastrous prospect might be entertained. A most ruinous competition was at present going on between these two companies as regarded the journey between Edinburgh and Glasgow, to the great injury of the shareholders. He believed the new board of directors of the Caledonian company had been so busy keeping the doors shut against their clamorous creditors, that they had found no time as yet to consider this subject; but he saw from the *Times* of this morning, that it was intended to bring the matter before the next half-yearly meeting of the shareholders, and that the new board were evidently desirous that opportunity were afforded for the whole proposal being maturely considered. Sufficient time not having yet been afforded for this purpose, he considered that the Bill should be withdrawn; and he therefore begged to move that the Bill be read a second time that day six months.

SIR R. H. INGLIS would not enter upon the merits of this question. He understood that the one company entirely repudiated the measure, and that the other had not given its consent to it. It would be, therefore, slaying a suicide to say one word upon the matter, except that he could never agree to any Bill of this nature.

MR. FOX MAULE was glad his hon. Friend the Member for the city of Edinburgh repudiated the authorship of this measure—he was glad he denied having any participation in the objects of it. One, however, would imagine, from the speech of his hon. Friend, that this Bill was brought in for the advantage of the Caledonian Railway Company, and for the

benefit of the great body of the shareholders; but what was the fact? This Bill had been introduced to the attention of the great body of the shareholders at their last meeting, and there was a general cry to oppose it. He was quite sure, if the House went into this measure, they would not entertain it; and he was only sorry that his hon. Friend, instead of moving that the Bill be read this day six months did not propose to negative it, and thus enable the House to mark their sense of the principle it contained, and their opinion that no Bill containing such principles would ever have the sanction of the House.

MR. LUSHINGTON scarcely considered it necessary to kick the carcass of this defunct and unprincipled Bill, but begged to say it was an insult to the House to propose to its consideration so unscrupulous a measure.

MR. LABOUCHERE felt assured that if the House entertained any measure of this kind, it would have the effect of spreading a panic through the country. Even the probability of the House agreeing to a Bill of this kind would be most unfortunate. It appeared that his hon. Friend the Member for the city of Edinburgh introduced the Bill in the expectation that the two companies would come to some agreement, and he hoped the House would never consent to the second reading of a Bill—of the main provisions of which they decidedly disapproved—in the vain hope that the parties concerned would come to a settlement. The Bill before them was objectionable, not only in detail but in principle, violating the good faith of parties.

MR. GLADSTONE said, he was one of the parties whom the Bill kindly proposed to divest of property. With respect to the particular part of the speech of the hon. Gentleman the Member for the city of Edinburgh, in which he said he was in hopes that the parties would agree amongst themselves, he (Mr. Gladstone) wished the hon. Gentleman and the House to understand that no opportunity of agreeing had been given. The House had not seen one-half of the case. No doubt the Bill proposed in the first instance to make contracts between two companies, one of which dissented from it, and the other did not assent to it: but, in addition, it proposed to destroy six or eight contracts, all framed under a special Act of Parliament, promoted by mutual consent of the parties.

not only without the consent of those parties, but without giving them the opportunity of assenting or dissenting; for though the hon. Gentleman said there was no evil intention on the part of the promoters, and he believed the hon. Gentleman had no such intention, it was rather strange that the promoters, in framing a measure of so extraordinary a character, should have made no communication to those persons with whose property it proposed so unceremoniously to deal. He hoped the public would know and feel, after this discussion, that they were perfectly safe in the honour of the Government and of the House of Commons. He should have taken no part, as an interested person, in a division of this Bill, or no part in the discussion of it, if he did not feel that public considerations were at stake. The introduction of this Bill had given an additional blow to railway property in its depression; and to the rejection of the Bill, and the manner it was received by the House, without exception, did he look for repairing the evil effects of this blow; because, after what had then passed, it was perfectly vain for parties, whether their motives were innocent or otherwise, to solicit Parliament to break the faith the House had given, or to destroy the sanction the House had affixed to contracts entered into by responsible parties. It showed that the House would protect the rights it had created, and on the creation of which the public had given its confidence.

MR. E. B. DENISON expressed his approval of the Motion of the hon. Member for Edinburgh, and of the course taken by the House with respect to this Bill.

MR. E. ELLICE said, that Bills had been read a second time, by which parties got rid indirectly of guarantees which that House had authorised. The most obvious way of protecting persons and their properties from such proceedings would be to insert a clause, similar to that inserted last year, in all unpassed Bills, that nothing in the Bill contained should interfere with or in any way impair guarantees, or other obligations previously entered into under the sanction of the House. If Committees received that instruction, a clause could be put into every Bill that would give ample securities to parties having guarantees under former Acts, and without such a clause no parties could think themselves safe.

MR. HUME thought that if a Bill had passed that would have the effect of repu-

diating any guarantee created by a former Bill, the hon. Gentleman should take care that the Bill would be brought under their notice.

MR. E. ELLICE would move on the following day that it be an instruction to Railway Committees to introduce such a clause.

MR. J. B. SMITH said, that his name had been put on the back of this Bill, but he altogether disapproved of it, and thought it ought to be thrown out.

Second reading put off for six months.

#### THE GORHAM CASE AND THE REV. G. A. DENISON.

MR. HUME said, that he held two documents in his hand which purported to be protests against the late decision of the Judicial Committee of the Privy Council, in the case of "*Gorham v. The Bishop of Exeter*," signed by the Rev. G. A. Denison, vicar of East Brent, and dated the 10th of March. The first of these protests, after asserting "that the universal Church alone possesses, by the commission and command of its Divine Founder, the power of defining in matters of doctrine," says—

"I, George Anthony Denison, clerk, M.A., vicar of East Brent, in the county of Somerset, and diocese of Bath and Wells, do hereby enter my solemn protest against the state of the law which empowers the Judicial Committee of the Privy Council to take cognisance of matters of doctrine, and against the exercise of that power by the said Judicial Committee in each particular case; and I do hereby pledge myself to use all lawful means within my reach to prevent the continuance of such a state of the law, and of the power claimed and exercised under the same."

In the second document he says—"Such sentence is necessarily false, and gives public legal sanction to the teaching of false doctrine," and concludes thus:—

"I, George Anthony Denison, clerk, &c., do hereby enter my solemn protest against the said sentence of the Judicial Committee of the Privy Council, and do warn all the Christian people of this parish to beware of allowing themselves to be moved or influenced thereby in the least degree; and I do also hereby pledge myself to use all lawful means within my reach to assist in obtaining, without delay, some further formal declaration, by a lawful synod of the Church of England, as to what is, and what is not, the doctrine of the Church of England in respect of the holy sacrament of baptism."

Now, he (Mr. Hume) thought that it was incumbent on the Government, if they wished to have the decisions of one of the highest tribunals in the kingdom respected, to take notice of such language; and the

question he wished to put was, what notice the Government intend to take of the protest of Mr. Denison, published in all the papers yesterday, impugning the judgment of Her Majesty's Council in the case of "Gorham v. the Bishop of Exeter," and denying the supremacy of the Crown as head of the Established Church?

LORD J. RUSSELL: I think it is just to Mr. Denison that I should read to the House a statement which he sent to me, which I received this morning, and which professes to be a statement of his opinion as regards the supremacy of the Crown as connected with this case. It is as follows:—

"I have not denied, and do not deny, that the Queen's Majesty is supreme governor of this Church and Realm, and is, in virtue thereof, supreme over all causes ecclesiastical and civil, judging in causes spiritual, by the judges of the spirituality, and in causes temporal by temporal judges, as enacted by the statute 24th of Henry VIII. c. 12. And I have not impeached, and do not impeach, any part of the regal supremacy, as set forth in the second canon and in the 37th article of our Church. But I humbly conceive that the constitution does not attribute to the Crown, without a synod lawfully assembled, the right of deciding a question of doctrine; and this, although disclaimed by the Lords of the Judicial Committee of Her Majesty's Privy Council, is what, as appears to me, has been done, indirectly indeed, but unequivocally, in the late case of 'Gorham v. the Bishop of Exeter.'

(Signed) "GEORGE ANTHONY DENISON.

"March 18, 1850."

Now, I have no hesitation in saying that I think Mr. Denison is entirely mistaken in this opinion which he has given, and that the judgment given by the members of the Judicial Committee of the Privy Council is entirely within their jurisdiction, and such as they were authorised by law to give. I believe likewise it is a decision which has generally given great satisfaction. But as the hon. Member for Montrose asks me further what notice the Government intends to take of the protests of Mr. Denison, I must say that though it may be necessary for the Government at a future time to take some steps, if it should appear that any measures adopted hereafter on the part of those who think with Mr. Denison required them—though I guard myself by saying that this may be necessary—yet I should be most reluctant to take steps against any men who give what they conceive to be the conscientious expression of their views with regard to the Church, and should fear that any such act on the part of the Government would only tend to disturb still further the harmony of

the Church. And, therefore, entirely dissenting from Mr. Denison, and thinking it may be doubtful, particularly after the letter I have read, whether he means to deny the authority of the Judicial Committee of the Privy Council, or whether he intends that he ought to use every lawful means to alter the law, the Government, as at present advised, is not prepared to take any steps with regard to the protests.

#### HUNGARIAN REFUGEES.

MR. B. OSBORNE begged to ask the Secretary of State for Foreign Affairs, whether the Government of this country, or our Ambassador at Constantinople, were parties, by advice or otherwise, to the conduct of the Turkish Government in condemning Kossuth and the other Hungarian refugees in Turkey to banishment and confinement in the interior of Asia Minor? And, if the British Government had not been a party to that most unjustifiable proceeding; he also wished to ask whether the British Government had made any remonstrance to the Porte on the subject?

VISCOUNT PALMERSTON, in answer to the question of the hon. Gentleman, whether Her Majesty's Government had been a party to the transportation of the Hungarian refugees, said, that Her Majesty's Government had only so far interfered as having, through Her Majesty's Ambassador at Constantinople recommended to the Porte to make the detention of those persons—if the Porte considered itself bound by its engagements with Austria to detain them at all—for as short a time as was consistent with those engagements; and in the meantime to render their detention as little irksome and inconvenient as possible. He had no difficulty in saying, as his own opinion, that it would have been desirable if the Porte could have set them at liberty, and not detained them at all. It was not for Her Majesty's Government to judge what were the engagements and communications entered into by the Porte with the Government of Austria; but, taking a broad view of the matter, it would have seemed that if the Porte had felt itself at liberty to act fully and freely, that engagement which the Porte was bound to fulfil—namely, preventing the Turkish territory from being the scene of intrigue for the purpose of disturbing the tranquillity of its neighbours, would have been accomplished by removing altogether from the Turkish territory those persons on whom the Austrian Government looked

with anxiety and jealousy; but the Porte was the only judge of what its engagements compelled it to do, and the advice which Her Majesty's Government had given was that which he had stated in the beginning of his reply.

#### STAMP DUTIES.

The House then resolved itself into Committee; Mr. Bernal in the chair.

The CHANCELLOR OF THE EXCHEQUER said, that, although by the resolution he was about to place in the Chairman's hands, he proposed at present to deal with only that class of stamp duties which related either to the transfer of property on mortgages or bonds, he was by no means prepared to say that there were not other branches of the stamp duties which required consideration; but it would be remembered that the subject of a general revision of the stamp duties had been under consideration for many years past. In the time of Lord Althorp a scheme was actually prepared and laid before the House. A similar scheme was entertained by his right hon. Friend the First Lord of the Admiralty; and he rather thought that the right hon. Gentleman opposite the Member for Cambridge had also had a scheme for that purpose under his consideration. But, upon all those occasions, the amount of the details and the difficulty of carrying them at once had deterred all his predecessors from undertaking such revision; and the consequence was, that although fifteen years had elapsed since such a scheme was first prepared, little had been done until he had himself taken a step in that direction in the course of last year. He thought it right, therefore, rather to take up the matter piecemeal, to see how much they could carry out. The class of stamp duties with which he meant now to deal was that which related to conveyances, transfers, mortgages, bonds, and leases; and the general tenor of the proposal he had to make was, instead of the present exceedingly unequal and unjust rates, to adopt, as nearly as might be, the principle of an *ad valorem* duty, though to carry it out strictly would be utterly impossible. Whereas at present there were jumps in very large sums from 1,000*l.* to 2,000*l.*, 3,000*l.*, and so on, he proposed to adopt a much more minute scale, beginning with as small a sum as 25*l.*, then going to 50*l.*, 100*l.*, and so upwards. The result of that would be very nearly an *ad valorem* duty, and as nearly so as could be carried out, and it would

effect a considerable reduction in the stamp duty on transactions under 1,000*l.* as regarded conveyances and mortgages. It might perhaps be convenient, with a view of showing what he proposed to do, if he gave a few instances to the House, and he would take first the case of mortgages and bonds, because they were the most general transactions:—Where the money to be secured did not exceed 50*l.* the present duty was 20*s.*, and he proposed 5*s.*; exceeding 50*l.*, and not exceeding 100*l.*, present duty, 30*s.*, proposed, 10*s.*; exceeding 100*l.* and not exceeding 200*l.*, present, 40*s.*, proposed, 20*s.*; exceeding 200*l.*, and not exceeding 500*l.*, present, 5*l.*;—exceeding 500*l.*, and not exceeding 600*l.*, proposed, 3*l.*; exceeding 600*l.*, and not exceeding 700*l.*, proposed, 3*l.* 10*s.*; exceeding 700*l.*, and not exceeding 800*l.*, proposed, 4*l.*; exceeding 800*l.*, and not exceeding 900*l.*, proposed, 4*l.* 10*s.*; exceeding 900*l.*, and not exceeding 1,000*l.*, proposed 5*l.*;—exceeding 1,000*l.*, and not exceeding 2,000*l.*, present, 6*l.*; exceeding 2,000*l.*, and not exceeding 3,000*l.*, proposed, 5*l.* 10*s.*; exceeding 3,000*l.*, and not exceeding 4,000*l.*, proposed, 6*l.*; and then higher than at present 10*s.* per cent rising on each additional sum of 100*l.* On the higher amounts of mortgages there was at present no increase beyond a certain amount. He did not think that fair. He did not see why an *ad valorem* duty should not be carried up the scale, and he proposed, therefore, by the mode he had stated to the House, to carry out an *ad valorem* duty of  $\frac{1}{2}$  per cent on mortgages and bonds. Conveyances and transfers were rather more complicated; and, in the first place, he proposed to adopt the phraseology of “not exceeding” instead of the present words “and under.” He quoted the other night the report of the Committee of the House of Lords on the burdens affecting land, and pointed out from that how heavily the present rates fell upon small properties, and that was confirmed by the evidence stated in that report. The most important part of the evidence was given by a gentleman named Baxter; and, if it were any consolation for hon. Gentlemen opposite, he would state that this gentleman was the Conservative agent for the West Riding, and a very able and intelligent man. He said—

“There is one suggestion that I would make with reference to the expense of the conveyance of property of small value; that is, that the stamps upon the sale of land should not stand,



as they do now, higher upon the smaller amounts of property, but be regulated by a per centage. I find that at present the stamp upon a 50*l.* sale, calculating a certain length of conveyance, would amount to 12½ per cent. That the stamp upon a 100*l.* sale would amount to 5*l.* per cent, and upon a 300*l.* sale would amount to 2*l.* 10*s.* per cent; upon a 500*l.* sale to 1*l.* 14*s.* 3*d.* per cent; and then above that only 1 per cent. This is not effected by saying in so many words that a buyer to the amount of 50*l.* shall pay 12*l.* 10*s.* per cent, which is the amount that he does pay; but it is in consequence of burdening the transfer of property with a second conveyance, which we call a lease for a year. It was a principle of law that you were obliged to have a lease for a year, and a release, in a transfer of property, so that you had two distinct stamps and two distinct deeds. An Act was passed about a twelvemonth ago, relieving you of the necessity of having two deeds, but continuing the necessity of having two stamps."

He proposed, therefore, altogether to repeal the stamp duty attaching to the lease for a year. At present, on a conveyance or transfer, the duty, if the property did not amount to 20*l.*, was, lease 10*s.*, release 10*s.*; not exceeding 25*l.*, he proposed it should be 2*s.* 6*d.*; amounting to 20*l.* and under 50*l.*, the present duty was, lease 15*s.*, release 20*s.*, together 1*l.* 15*s.*; amounting to 50*l.* and under 150*l.*, lease 20*s.*, release 30*s.*, together 2*l.* 10*s.*; exceeding 25*l.* and not exceeding 50*l.*, he proposed 5*s.*; exceeding 50*l.* and not exceeding 75*l.*, he proposed 7*s.* 6*d.*; exceeding 75*l.* and not exceeding 100*l.*, he proposed 10*s.*; exceeding 100*l.* and not exceeding 125*l.*, he proposed 12*s.* 6*d.*; exceeding 125*l.* and not exceeding 150*l.*, he proposed 15*s.*; amounting to 150*l.* and under 300*l.*, the present duty was, lease 35*s.*, release 40*s.*, together 3*l.* 15*s.*; exceeding 150*l.* and not exceeding 175*l.*, he proposed 17*s.* 6*d.*; exceeding 175*l.* and not exceeding 200*l.*, he proposed 20*s.*; exceeding 200*l.* and not exceeding 250*l.*, he proposed 25*s.*; exceeding 250*l.* and not exceeding 300*l.*, he proposed 30*s.*; not exceeding 500*l.*, present 7*l.* 15*s.*, he proposed 2*l.* 10*s.*; not exceeding 800*l.*, present 10*l.* 15*s.*, he proposed 6*l.* 15*s.*; not exceeding 1,000*l.*, present 13*l.* 15*s.*, he proposed 7*l.* 10*s.*; not exceeding 1,200*l.*, present 13*l.* 15*s.*, he proposed 12*l.*; not exceeding 1,400*l.*, present 13*l.* 15*s.*, he proposed 14*l.* It was at first intended to adopt an uniform scale, but the objections to it were very great, as in some cases it would have increased the amount of duty. He proposed, therefore, that it should increase ¼ per cent up to 500*l.*, ⅓ between 500*l.* and 1,000*l.*, after 1,000*l.*, 1*l.* per cent upon all transactions up to 2,000*l.*,

and then he proposed they should vary with every 1,000*l.* Mr. Baxter also stated in his evidence—

"The consequence of that is, that that small stamp attaches to a 150*l.* purchase as much as it attaches to a 100,000*l.* purchase. It bears, therefore, peculiarly hard on small properties, and a reduction of the stamps to an equal rate of 1 per cent upon the amount of the sale would be a sensible relief, if it would not be a great loss to the revenue."

He had heard no objections to the proposal he was now making, and he believed it would promote the purchase of land by poor men, who were anxious to invest the fruits of their labour in that way. He should be very sorry to see land divided into small properties, as in the case of a neighbouring country, where a large number of the landed proprietors were little better than paupers; but still he should be glad to see the hardworking labourer of this country lay out his earnings in the purchase of small quantities of land. He believed that a great number of gentlemen attached great importance to leases; but the result of the present heavy stamp duty on leases was that very few leases were given under any circumstances whatever. He proposed, therefore, to reduce the duty on leases very considerably, and to adopt the same principle of an *ad valorem* duty. At present leases, where the rent reserved was under 20*l.*, the present duty was 1*l.*; not exceeding 25*l.*, he proposed 2*s.* 6*d.*; amounting to 20*l.* and under 100*l.*, the present duty was 1*l.* 10*s.*; amounting to 100*l.*, and under 200*l.*, the present duty was 2*l.*; amounting to 200*l.* and under 400*l.*, the present duty was 3*l.*; exceeding 25*l.* and not exceeding 50*l.*, he proposed 5*s.*; exceeding 50*l.* and not exceeding 75*l.*, he proposed 7*s.* 6*d.*; exceeding 75*l.* and under 100*l.*, he proposed 10*s.*; exceeding 250*l.* and not exceeding 300*l.*, he proposed 1*l.* 10*s.*; exceeding 350*l.* and not exceeding 400*l.*, he proposed 2*l.*; and so on. He wished to call the attention of hon. Members from Ireland to what he was about to say, because leases to Ireland were, to a certain extent, exempt in some cases, and were not on the same footing as leases in England. He had put them in schedule on the same footing, but he was not prepared to insist on it, if on the whole Irish Members should object to it. The proposal he made was, that leases under 50*l.* should pay 2*s.* 6*d.* duty, and as to all others he should considerably reduce the high amount of duty. The proposal he made was, that leases for rackrent up to

25*l.* should pay 2*s.* 6*d.*; from 25*l.* to 50*l.*, 5*s.* Rents, not exceeding 10*l.*, now 5*s.*, proposed 2*s.* 6*d.*; 10*l.* and not exceeding 20*l.*, now 10*s.*, he proposed 2*s.* 6*d.*; 20*l.* and not exceeding 25*l.*, now 15*s.*, he proposed 2*s.* 6*d.*; 25*l.* and not exceeding 50*l.*, now 15*s.*, he proposed 5*s.* In cases where fines were also paid, he should relieve them up to 75*l.* After that he should, to a certain extent, increase them. If, however, they would have the exemption, they must take it as it stood, and in that case they would not have the benefit of the reduction to a lower amount. It would be more convenient if any reduction should be made, that all discussion should be postponed at the present time. He proposed, therefore, that the resolution should be reported, and he should be very glad that the discussion should be delayed until the Committee on the Bill; for of course all transactions must necessarily be suspended until the new law came into operation, and it was therefore desirable, as fast as possible, to bring the measure to a conclusion. He would therefore propose to move the resolution, and should be glad if the House would allow the postponement of the Bill till after Easter, and then go into the discussion of it at once. The right hon. Gentleman accordingly moved a resolution to alter the stamp duties according to the schedule attached.

MR. ALDERMAN SIDNEY begged to ask the right hon. Gentleman if the leases, as regarded transfers of land, applied to house property, as also if it were his intention to introduce into the Bill an alteration in reference to stamps which persons taking up their freedom were obliged to pay. He begged to remind the right hon. Gentleman that by the Municipal Act of 1835, all fines on redemption were abolished by that House. There was a class of persons in the City who felt greatly grieved and annoyed at the tax, which fell very heavily on them. They did not complain so much of the amount of the tax—3*l.*—as that they were compelled to pay it when others were not. His two questions, then, were simply these: first, if house property were included as well as landed property; and next, if stamps affecting freedom and redemption were to be included.

The CHANCELLOR OF THE EXCHEQUER said, that the reduction of duty applied to transfer of all property. As regarded the second question, he should say the subject had already been matter of debate in the present Session, and had

been rejected. Therefore he thought it better not to encumber a measure really beneficial, with such extraneous matter.

MR. SCULLY said, with respect to duty on leases in Ireland, it was of great importance that the tenants should be encouraged to take them. In certain cases, according to the Bill which it was the intention of the right hon. Gentleman to move, the rates of duty would be lowered, whilst in other cases they would be raised, as, for instance, in one case, from a shilling to 2*s.* 6*d.*, which augmentation was certain to be attended with consequences not encouraging.

The CHANCELLOR OF THE EXCHEQUER should say that he proposed on the whole a considerable reduction on the duty in Ireland; and the cases in which the duty would be raised were very few indeed.

COLONEL SIBTHORP said, that the Chancellor of the Exchequer talked of having a surplus, but he apprehended he had no right to say that he possessed such a thing until he had paid his debts. The present measure would not confer any benefit upon him or upon his tenantry: he gave no leases, and he had no tenants who wished to have them. If they disliked each other, why they got rid of their bargain, and that was all about it. The Chancellor would have done more service to the country if he had removed, or even lessened, the duty on stamps for fire insurance, which were more than 300 per cent. The immense duty deterred a great number from insuring; and if he followed the precedent of reduction in this instance, he would increase the revenue instead of diminishing it, and he would confer a boon upon the country.

MR. REYNOLDS should say that whilst the proposal to regulate the stamp duty was an improvement on the present system, he regretted the right hon. Gentleman had not extended a little more indulgence to Ireland. He begged to remind the House that by the assimilation of the law regulating the stamp duty between England and Ireland, which took place about five years ago, Ireland was forced to contribute 150,000*l.* annual increase to the Exchequer in consequence of that assimilation. This sum was placed upon the back of the Irish camel because she was not charged with the income tax; the reason of which being that, he believed, there was no traceable income. He should also say he regretted that the Chancellor of the Exchequer had not thought fit to relieve a class

of professional gentlemen—the solicitors and attorneys of Ireland—from a most unjust impost which they were obliged to pay, namely, those resident in Dublin 12*l.* annually, and those resident outside it 8*l.* annually. [“Question!”] He was addressing himself to the question as regarded Ireland. He thought a body of gentlemen who paid 120*l.* stamp duty upon being articulated, and from 20*l.* to 30*l.* in the shape of fees, should not be charged with 8*l.* and 12*l.* annually. He regretted that by the assimilation of the stamp duty the heaviest pressure fell upon the poor; because a 6*d.* stamp that held good for upwards of 10*l.* Irish before the assimilation, was raised to 1*s.* 6*d.* When the Chancellor of the Exchequer spoke of his intention to relieve the people of England from an annual 150,000*l.*, by abolishing the tax on bricks, the Irish Members did not cry “Question.” He (Mr. Reynolds) did not grudge the English people any amount of pecuniary relief they might obtain, as he believed they were entitled to it; and he only regretted the state of the revenue did not enable the Government to relieve them from an impost which was abolished twenty years ago in Ireland, namely, the window tax; because he believed that in any civilised or well-governed country there ought not to be a tax on air or light. He was anxious to allow the question to go on without provoking discussion, because he believed there would be sufficient time for discussion when the Bill itself came before the House. Therefore, he felt bound to say that his reason for rising was to impress on the right hon. Gentleman the necessity of considering if he could not relieve the humble classes to a greater extent, as also the solicitors and attorneys of whom he had spoken.

MR. H. HERBERT thought that, by the alteration proposed in the stamp duties for Ireland, a lease relating to a property of 100*l.* a year value would pay a higher duty than a lease of the same description in England.

The CHANCELLOR OF THE EXCHEQUER said, that his object was to assimilate the duties in both countries, and in effecting that object the duties now payable in Ireland would, in a few instances, be augmented, but in most cases they would be considerably reduced.

MR. FORBES was of opinion that the scheme propounded by the Chancellor of the Exchequer on Friday was ludicrous, if

it was to be looked upon as a compensation to the agricultural interest for the losses they had sustained. The great bulk of the tenants in England had no leases, and when parties in Scotland entered into agreements for a term of years, they dispensed with stamps, because they knew that if it should be necessary at any time to have the agreements stamped, they could send them up to London for that purpose. The repeal of the brick duty would afford no relief to Scotland, where houses were built of stone, and it would be of little advantage to the English agriculturists, however beneficially it might operate as regarded building speculations in London, Manchester, Leeds, Liverpool, and other towns.

MR. FAGAN said, that the great majority of the holdings in Ireland being under 50*l.* in value, the Chancellor of the Exchequer, by raising the stamp on leases of that value from 1*s.* to 2*s.* 6*d.*, was acting in opposition to his own principle of affording relief to the humbler classes.

The CHANCELLOR OF THE EXCHEQUER suggested the propriety of reserving discussion on matters of detail for another occasion.

Resolutions agreed to. To be reported To-morrow.

House resumed.

#### DRAINAGE.

On the Motion of the CHANCELLOR of the EXCHEQUER, the House resolved itself into a Committee.

The CHANCELLOR OF THE EXCHEQUER said, he rose to propose a resolution, to authorise the Lords of the Treasury to make advances, for the purpose of drainage and other improvements of landed property in Great Britain and Ireland, to the amount of 3,000,000*l.*, either from the Consolidated Fund, or by means of Exchequer bills, such advances to be repaid within a limited period. He did not think it necessary to detain the House, the numerous documents in his possession proving the advantages of drainage all over the country; he would, therefore, at once move his resolution.

MAJOR BLACKALL wished to know, if they agreed to the resolution in its present form, whether they would be prevented from proposing the extension of the grant for other purposes at a future stage?

The CHANCELLOR OF THE EXCHEQUER replied, that the terms of his resolution were so large as not only to include

drainage, but for improvements of landed property generally; therefore the hon. Gentleman would not be precluded from making a Motion on the subject at a future stage of the measure.

MR. R. C. HILDYARD was anxious to learn how the instalments were to be repaid. They had been told that three millions were to be raised. Was this money in hand, or was it to be borrowed, and repaid within a limited period? If it was to be repaid by instalments, were they at once to be carried to the credit of the country; and thus, if there was a deficiency in the public revenue, it would diminish the apparent amount; and if there was a surplus, it would help to swell it up. The right hon. Gentleman had not explained whether this was the case, nor had he stated whether the repayments were at once to go to the reduction of the public debt.

The CHANCELLOR OF THE EXCHEQUER said, his answer to the questions of the hon. and learned Gentleman was, that no repayments would at once be carried to the credit of the revenue, nor be applied to the reduction of the debt—the amounts would be carried to the credit of the Consolidated Fund. He hoped, when the repayments exceeded the advances, some future Chancellor of the Exchequer would be called upon to apply the amount to the reduction of the debt.

MR. F. FRENCH pointed the attention of the House to the system which compelled landed proprietors in Ireland to bear the burden of expenses in the expenditure of which they had no control. One half of a district could compel the other half to proceed with works upon an estimate furnished by the Board of Works, the officers under which were paid, not by the job, but by the time they employed, which was always excessive. As an illustration of the system, he observed that he had undertaken and completed a work for 1,500*l.* which the Board of Works had estimated at a cost of 4,000*l.* The officers under the Board of Works were nearly all relatives of the commissioners. These works ought to be subjected to public competition, otherwise half of the money would be wasted.

MR. G. A. HAMILTON thought the money might be more beneficially applied under the Land Improvement Act.

MR. V. SMITH suggested that some precautions should be adopted in the distribution of the loan, otherwise the per-

sons who most required assistance might not obtain it.

The CHANCELLOR OF THE EXCHEQUER could only say that of the 2,000,000*l.* for England and Scotland, 1,500,000*l.* would be applicable to English purposes. It was thought advisable that the money should not be advanced in such large sums as formerly. He also proposed that the advances should be repaid in twenty-two years, capital and interest, at the rate of 6½ per cent per annum; and he had the satisfaction of saying that the late advances had been repaid with great punctuality.

MR. FORBES hoped precautions would be taken against the abuses which existed in Ireland in the application of the late advances—abuses which hon. Members for Ireland had pointed out, and which ought to be avoided.

MR. SCULLY said, the hon. Member for Stirlingshire lamented the misapplication of Irish advances, but had not said a word about Scotch jobs—the Caledonian Canal for instance. The money already expended in arterial drainage had been productive of great advantage in Ireland. He also advocated the application of a portion of the advance—say half—to the promotion of railways. Immediate advances for public works were necessary to keep the people from starvation and the workhouse.

MR. MONSELL did not know what abuses existed with respect to carrying out arterial drainage in Ireland, but he would suggest, before the question again came before the House, that any memorials which had been presented to the Government from the proprietors of land which was charged with the expense of arterial drainage, complaining of abuses as to the carrying on the works, should be laid on the table, and be printed.

The CHANCELLOR OF THE EXCHEQUER said, it would be utterly impossible for the Treasury to examine into all the cases, or to exercise control over all the works in detail in every part of Ireland. Complaints had been made in that House, but except in one or two instances they had not been received at the Treasury. The proper place to apply to, in case of an alleged cause of complaint, was the Board of Public Works in Ireland. Every care, however, had been taken to exercise a proper control, and for this purpose he had sent over an engineer officer, unconnected in other respects with Ireland, to super-



intend the other inspectors of public works there, and this officer was still there. This was all the Government could do in the shape of control.

MR. STAFFORD said, if abuses existed with respect to the carrying on the drainage in Ireland to any very serious extent, as they might suppose from the observations they had heard, it was not at all improbable that there would be an animated discussion on the next stage of the Bill. Although some advantages may have resulted from some of those kinds of grants, he never would borrow one farthing from them, as he would not allow the management of his estate to be taken out of his hands. He could not help feeling that the Government was stepping out of its proper province in making these loans, as they appeared to have no control over the expenditure.

The CHANCELLOR OF THE EXCHEQUER repeated it would be impossible for the Treasury to control in detail the carrying out these works. All these petty complaints should be made to the Board of Works, and not to the Treasury. As for the Government interfering, he could only say that appeal after appeal had been made to it by Irish Gentlemen to come forward in this matter. They stated that where there were three parties holding land in the same district they never would agree in the principle of the drainage of their lands unless the Government interfered.

COLONEL DUNNE observed that the arterial drainage was carried on altogether under the control of Government officers, and although numerous complaints had been made of the conduct of several of them to the Board of Works they were never attended to.

MR. HENLEY observed, that from the evidence laid before the Committee, of which he was a Member, on the Miscellaneous expenditure, it appeared that the Board of Works was much overlaid with duties. He was not surprised that Irish Gentlemen should remonstrate when their estates were taxed for works of drainage, although they had no control over the expenditure.

MR. GROGAN called the attention of the Chancellor of the Exchequer especially to cases in which arterial drainage was to be effected, by means of small rivers running into larger. He knew instances in which parties had been induced to give the necessary assent for the improvement of such small rivers, and in one the estimate

was exceeded one-third. He begged to suggest for the consideration of the right hon. Gentleman, whether means might not be devised, whereby the parties most interested as proprietors and tenants should have it in their power to see that no unnecessary expense was incurred.

MR. TRELAWNY felt it necessary to enter his protest against making the grants now proposed. Hon. Gentlemen who supported the measure did not agree among themselves, differing as to the proportion to be appropriated to the different parts of the country with which they were respectively connected. One hon. Gentleman had asked why nothing was to be granted for railways. In short, it was a great communist scheme with which the country was threatened. The Government might act more wisely than individuals in applying the grants, but they ought not to fritter away the wealth of the country in experiments which the Government themselves admitted could not be successful. The Chancellor of the Exchequer offered a most potent argument against the grants, in stating that it was impossible the Treasury could supervise when they came to be applied. If the Government wished to stave off the recurrence of protection by buying the land, they ought to say so at once.

The O'GORMAN MAHON stated, that ample and excellent security was to be obtained for the advances made for drainage in Ireland; and the House, he was satisfied, would be prepared, not indeed to grant, as the hon. Member for Tavistock mistakenly supposed, but to lend the money proposed to that part of the united kingdom which required advances most, which had long suffered from oppression, and on which the hand of Providence had weighed so long, but which had approved its good faith by paying its instalments more regularly than any other portion of the empire. What they wanted in Ireland was money; they were not beggars; and he repeated that they were ready to give good security for the advances which might be made.

MR. BRIGHT said, that before this matter passed through Committee, he would ask to be allowed to say that some months ago he had been in a part of Ireland, where these drainage works were being carried on. He had spent some days in going over some of the expensive works, and he was bound to say that the mode in which they were being carried on was, as it appeared to him, exceedingly unwise.

tory. He was now talking of Castlebar, Galway, and some other portions of the west of Ireland. He examined minutely into the system of book-keeping with regard to wages, &c., and the control which the superior office in Dublin had over the expenditure of money, and these matters seemed to him to be exceedingly well arranged; so far so, that it appeared to him to be impossible that there could be any waste of money in the conducting of these works. He saw a large number of persons employed, who were gaining instruction in various kinds of labour, such as they had no opportunity of receiving before. Without defending any particular works, or saying whether they were required or not, he was quite sure that owing to these works, large tracts of land, both at Galway and other parts of the west of Ireland, were now under cultivation; large portions of which would otherwise be lying under water, unproductive. He did not agree with the hon. Member for Tavistock with respect to these loans, and he was bound to say that the expenditure of the Board of Works had in many parts been productive of great advantage.

COLONEL CHATTERTON: Sir, I am convinced the assurance just made by the right hon. Baronet the Chancellor of the Exchequer that there is an experienced engineer officer sent over to inspect the work of the Board of Works, will give infinite satisfaction in Ireland. I assure the right hon. Gentleman that the Board are by no means popular in Ireland. They are very dictatorial and imperious in their decisions, and in many instances the work is shamefully done and neglected. The injury they did during the years of famine can never be forgotten or forgiven—destroying good roads and finishing scarcely anything they commenced. I am happy the right hon. Gentleman has made the selection of Colonel Forster, of the engineers, whose experience and talent I am very happy to bear testimony of.

Resolution agreed to. House resumed.

Resolution to be reported To-morrow.

#### PARLIAMENTARY VOTERS (IRELAND) BILL.

The House resolved itself into Committee on the above Bill,

On Clause 7,

MR. MONSELL said, he did not mean to object to the clause, but he wished to call the attention of the House and the Government to the position in which many

of the borough constituencies of Ireland would be left if this Bill were passed. In England there were 187 cities and boroughs, of which there were only 11 having constituencies fewer in number than 300. In Ireland there were 33 cities and boroughs, and by this Bill 10 of those constituencies would be under 300. This state of things, he thought, the House would agree with him in thinking deplorable, and open to the most serious objections, as being sure to lead to bribery, corruption, and every vice which, even in the best representative system, it was difficult to avoid. In Scotland and Wales there were no constituencies under 300, because the system of having different boroughs represented by one Member had been carried out there. He was aware there were objections to that system; but upon a balance he thought the less evil was the joining these boroughs, and he wished to impress upon the Government the absolute necessity of applying the same principle to Ireland—a course he could see no reasonable objection to. As the House had rejected the proposal of the right hon. the Lord Mayor of Dublin to reduce the qualification from 8*l.* to 5*l.*, the case was now stronger than it otherwise might have been, and he hoped the Government would state that during the Easter recess they would consider the question with a view of deciding whether these Irish boroughs could not be consolidated upon the system which had worked so well in Scotland and Wales, and thus avoiding the evil of leaving them open to corruption.

LORD J. RUSSELL said, that if he was to understand that the hon. Gentleman wished that certain boroughs might be combined, for the purpose of reducing the number of Members to Parliament, he would have serious objections to such a course; but if he meant that each of the present representative boroughs should form the head or centre of other contributory boroughs, so as to make an increase in the constituencies, it would be well worthy of consideration. With regard to the proposition of the hon. Gentleman, there would be many difficulties, both in principle and detail; but he did not see that there could be any prominent objection to it. He would not be justified in saying that he would oppose it when it may be brought forward; and he would observe that during the recess the question would be considered, and he would endeavour to collect every information on the

matter to lay before the Government before they should take any decisive steps with regard to it.

SIR D. J. NORREYS said, that he objected to the proposition which had been made by the hon. Member for Limerick, as he thought that it would have the effect of depriving the counties of the intelligence of many of the towns. He was afraid that the hon. Member who suggested the plan was personally interested in the matter.

MR. MONSELL said, in the county he represented there was no borough, therefore it could have no effect upon his constituency. On the other hand the hon. Gentleman who had just sat down had considerable influence in the borough of Mal-low, so that his opinion perhaps was not quite so impartial as his (Mr. Monsell's).

MR. F. FRENCH approved of the proposal of the hon. Member for Limerick. He had gone carefully through the list of boroughs, and he found that there would be no difficulty whatever in adding towns to such of them as required it, in order to bring up the population to nearly 20,000, and the constituency to a respectable figure.

COLONEL RAWDON said, seeing that the franchise was not to be extended in towns, the proposition of the hon. Gentleman opposite was well worthy of consideration. At the same time, it must be remembered that the only antagonistic influence in the counties against landlord power would come from the towns.

MR. B. OSBORNE said, whatever was proposed by the hon. Member for Limerick was always intended for the benefit of Ireland, and he thought that the hon. Gentleman was deserving of public thanks for having made this suggestion. For himself, he thought it would be well if the Government would consider this point, not only with reference to Ireland, but England also, for he had a strong idea that, by uniting boroughs, they would do more for the purity of elections than by any other system. Let them take for example the borough of New Ross. At this moment that borough, so ably represented at present, had just a constituency of 80, and, with this 8*l.* rating, it would degenerate to 50, whilst, by adding to it Ennis-corthy, or any similar town, they might secure a respectable and comparative numerous constituency.

MR. GROGAN thought the noble Lord at the head of the Government had now

had the opportunity of ascertaining the opinions of private Members on both sides, and it appeared that there was great unanimity among them on the point. He did not understand the noble Lord to say that the Government would consider the subject with a view of introducing any measure; but he hoped the noble Lord would have leisure and opportunity during the recess to do so.

MR. SADLEIR said, that at no period had there been sufficiently large constituencies in Irish boroughs, and the result had been the grossest corruption. The noble Lord at the head of the Government would find very little practical difficulty in ascertaining what would be the actual constituencies of the Irish boroughs, if he adhered to the provisions of the present Bill. The constituency of the borough he represented was now reduced from 470 down to 210. Under the proposed Bill he apprehended it would be much decreased.

COLONEL CHATTERTON: Sir, I have heard very many arguments during the progress of this debate about the franchise—its increase and its diminution; but as I differ in some points from hon. Members, I will beg to make a few remarks. I do not pretend to much knowledge of the county franchise, though convinced of the necessity for its increase; but I confess my impression is, that an 8*l.* rating is greatly too low; for I should prefer giving this privilege to a more substantial class of persons—to a class of well-judging men who would vote according to the dictates of their conscience, and neither be guided by their landlords or their clergy. I think, however, I may lay claim to some knowledge of the franchise of cities and boroughs from that never-to-be-forgotten experience of four contested elections. I cannot agree with hon. Members who imagine the supposed diminution of the franchise, or paucity of the registry, can be attributed to persons waiting for this newly-expected Bill. I really think such a reason is both puerile and absurd. For what advantage could they expect from the new Bill which they did not enjoy under the old? In my mind the diminution arises from the decided apathy and carelessness of all ranks in society to register. They positively set little or no value upon this boasted privilege of voting. I think the diminution of the franchise is in a great measure attributable to the difficulty of registering; the uncertainty of the opening of the sessions; the uncertainty of the arrival of the

law officer; the uncertainty of his decisions; and the very great annoyance from waiting hour after hour in crowded courts; and from employed agents squabbling about points of law, and endeavouring to discover some legal flaw in the elector's evidence or paper, although well aware of his being fully entitled to the franchise he seeks. Now, to prove what I have said, I will instance the last registry at Cork. The opening of the sessions was appointed for a Friday. A great number of persons anxious to register attended in defiance of most inclement weather. The court was crowded to excess, but no law officer arrived. He sent word he was unwell, consequently many were obliged to leave town to attend their parochial duties—many to their weekly markets; thus a vast number were disfranchised for twelve months. The court was opened on Saturday. The second name on the list was a most respectable gentleman—a 50*l.* freholder—who had two christian names, only one of which was written in full upon the registry paper, although there was no doubt of his identity, he having frequently before voted upon a similar return: he was refused; and this decision disfranchised for a year about 200 gentlemen who were similarly situated. The assistant barrister afterwards confirmed the decision of his *locum tenens*, although a similar objection had not been raised for fifteen or twenty years, and by this new decision reversed what he had ruled before, and what he had been acting upon since his appointment. I must beg to observe, I do not cast the least imputation upon the assistant barrister at Cork, for I firmly believe all his decisions are guided by strict impartiality and justice in his important situation. To prove the apathy I have spoken of, I will only quote one example—*Ex uno disce omnes*. Upon my late election, in the city of Cork, 3,244 names appeared on the registry: only 1,277 voted—793 for me, 584 for my hon. opponent, giving a majority of 209 for protection; and I believe the usual exertions on both sides at contested elections were not wanting. A registration sessions occurred in a few days afterwards, before the excited feelings of the one party, elated by victory, or the other, angered by defeat, had subsided. Notices to the amount of 1,489 were served; only 295 came to register: a few days after, 110 notices were served; 23 came forward. After these facts, can any hon. Member doubt that apathy alone

causes the diminution of voters? Generally speaking, I object to this Bill. I object to it, for I do not think any change is required in boroughs or cities—I object to it from the qualification being too low—I object to its being carried into effect at present, until we can obtain a more just and equitable rating, or until Mr. Griffith's valuation is completed—I object to it for not making residence a qualification of voting—of the subdivision of votes. In short, the only good clause I see in the Bill, which is a mass of mystification and confusion, is the necessity of an annual revision, and I think we are greatly indebted to the right hon. Baronet the Secretary for Ireland for this clause, making the name appearing upon the list of the clerk of the peace the test of voting. This will, I trust, do away with the great evils at elections in Ireland—personation, intimidation, and perjury. Considering this as much an English as an Irish question, and considering it only as the prelude for another Reform Bill for England—for how can it be refused to England if granted for Ireland?—considering it as a measure fraught with great danger, and of a democratic and revolutionary character—considering it as the first step towards shaking, and perhaps at no distant period subverting, the Royal authority in these kingdoms—I give my decided opposition to the Bill.

MR. REYNOLDS regarded the proposition of the hon. Member for Limerick as a very reasonable one. Perhaps the best illustration he could give of the necessity of some such arrangement was the case of Portarlington. Portarlington would have under this Bill, if it passed, 110 persons rated to the relief of the poor at 8*l.*, or upwards. Deducting one-fifth as the proportion of those who were not likely to register, they would reduce the constituency of Portarlington to 88. The hon. and gallant Gentleman who represented that borough was of opinion, indeed, that the number would be reduced to 75. Would any hon. Member say that that was a sufficient number of electors for that borough? In his humble opinion the House ought either to adopt the proposition of his hon. Friend the Member for Limerick, or throw the representation of Portarlington into the Queen's County at large; because, to give 75 men the power of sending a representative to that House, was as absurd as to re-enfranchise Old Sarum, and the other rotten boroughs.



which had been blotted out of the representation of the kingdom. The hon. and gallant Gentleman the Member for Cork prided himself upon being the representative of the Protectionists of Cork, who had returned him, he said, by a majority of 209. They must, then, have voted from love of a dear loaf; but he thought the hon. and gallant Gentleman had mistaken the feelings of the people of Cork upon this subject. At all events he invited him to test the question when this Bill became law. [Colonel CHATTERTON said he was perfectly prepared to do so.] He was glad to hear the hon. and gallant Gentleman say he did not mean to show the white feather, for he had certainly never fled from his colours whenever an enemy was to be met with. The only thing he had heard urged against the proposition was by the hon. Baronet the Member for Mallow, who apprehended that if they associated towns with each other, they would weaken the popular strength of the counties. He (Mr. Reynolds) had no such apprehension. He would ask whether it would not be an improvement to give the inhabitants of Fermoy and Kanturk the power of voting for the hon. Baronet, or whoever should hereafter represent Mallow in that House? It occurred to him, also, that it would be an improvement to associate the borough of Cashel—which, under the new law, would not have been more than 130 voters—with the towns of Tipperary and Thurles. [An Hon. MEMBER: And Nenagh.] He had no objection. This arrangement would not take more than 1,000 electors from the county of Tipperary, which, he understood, would have about 16,000 under the Bill. [*Cries of "No."*] At least, there would be a sufficient number left to form a respectable constituency. He was reminded that the county of Tipperary had at one time returned his right hon. Friend the Master of the Mint by a majority of 1,800; but that was before the right hon. Gentleman had had imposed upon him what he would call a lucrative taciturnity. He trusted they would return the right hon. Gentleman again; for, recognising him as he did as the living leader of the Irish people, he should be exceedingly sorry that any circumstances or combination of circumstances should arise to diminish the number of his supporters in that or in any other county. It appeared to him, also, that it would not endanger the seat of the present hon. Member for Dundalk if that

borough were associated with the patriotic town of Ardee. Neither did he imagine that the independence and purity of Athlone would suffer from being associated with the important towns of Roscommon and Moate. [An Hon. MEMBER: Mullingar.] He had not the least objection, except that Moate was only eight miles from Athlone, while Mullingar was twenty. With respect to Ennis, he did not suppose that the hon. Member for that borough would object to have his merits and value attested by a constituency which included Kilrush in connexion with Ennis. He was reminded that the hon. Member who had taken Kilrush under his protection might object to see that town associated with any other except for poor-law purposes; but, though Kilrush was at present in a state of great distress, he hoped that it would soon become what it once was, an important town. In conclusion, he begged to express his gratification at the manner in which the noble Lord at the head of the Government had responded to the suggestions of the hon. Member for Limerick.

SIR W. SOMERVILLE believed that he could satisfactorily answer many of the objections which had been made in the course of this discussion with respect to the effect likely to be produced by the Bill; but he abstained from doing so, in the hope that the Committee would remain satisfied with the assurance given by the noble Lord at the head of the Government that the subject should receive every consideration, and that hon. Members would now allow the Committee to get on with the Bill.

MR. W. FAGAN hoped that sufficient time would be allowed to the people of Ireland to consider this proposition. He was very much afraid that, if adopted, the effect would be to abstract the intelligence and influence of the towns from the counties, and hence to allow the landlord influence to predominate there.

MR. G. A. HAMILTON wished to impress upon the Committee the importance of approaching the consideration of this question without reference to party feelings. He was sure they must all feel it desirable to prevent the anomaly of increasing the county constituencies, and diminishing the constituencies of the boroughs.

MR. STAFFORD said, that one effect of the proposition would be, to semi-disfranchise the electors of the towns which they proposed to unite, by giving them one vote for a borough Member, in place of

two votes for two county Members, as they had at present.

Clause agreed to.

On Clause 8,

MR. W. FAGAN proposed to add a proviso to retain those electors who had been registered within eight years previous to the 1st of December next, so long as they continued to possess the qualification in respect to which they were registered.

Amendment proposed, at the end of the Clause, to add the following proviso :—

“ Provided always, that nothing herein contained shall deprive those who may be registered under the said recited Act within eight years previous to the first day of December next ensuing, of the same right of voting at any election of a Member or Members to serve in Parliament for any city, town, or borough, as if this had not passed.”

The ATTORNEY GENERAL said, that the effect of this proviso would be to retain the old qualification which the Bill proposed to abolish.

MR. W. FAGAN had not anticipated any objection to his Amendment, which he thought exceedingly reasonable. There were many cases in which persons occupying 10*l.* houses were rated to the poor at less than 8*l.*; and it was to prevent that class being disfranchised that he made his present proposition. Why were the freemen retained if these were objected to?

SIR W. SOMERVILLE said, that his hon. Friend proposed to extend to the borough constituencies the privilege which the House had already decided should not be extended to the counties. If his hon. Friend would read the Bill, he would see that what he proposed was entirely opposed to its principle. The principle of the Bill was to form one perfect register, to be revised every year. The freemen would have to come forward and register, the same as the other voters.

MR. BRIGHT thought the right hon. Gentleman lost sight of one material point in the objection he raised to the Motion of his (Mr. Bright's) hon. Friend the Member for Cork city; the right hon. Baronet said that the House had decided a certain way as to counties, and his hon. Friend wished them to decide another way as to boroughs. This Bill in many boroughs was alleged to be quite certain to diminish the number of electors, and it appeared to him likely to be the case. It was a serious thing to pass a Bill to disfranchise anybody where corruption had not been proved. There was no such allegation here; the parties whom

this Bill would disfranchise were those to whom the Reform Bill gave the franchise. There was no proof of their not having exercised the franchise properly. If this were a Bill to alter the franchise in any way, there ought to be the same measure of justice dealt out to the Reform Bill electors that was always dealt out under the old system. The Reform Bill electors were at least as worthy the sympathy and protection of the House as any who voted under the class of freemen. He hoped the Secretary for Ireland would not summarily dismiss the case, as the proposition was quite reasonable.

The ATTORNEY GENERAL said, the proviso was opposed to the whole principle of the measure. It was expedient to try the amended franchise for a while, at all events, with an annual registration. If this did not answer, the hon. Member for the city of Cork would have a far better case.

MR. F. FRENCH considered, that to deprive voters legally on the register of their franchise would be an injustice quite without precedent. If the 50*l.* voters were to be preserved, why were the equally legitimate voters, to whom the expense of vindicating their rights was an object, to be disfranchised?

COLONEL DUNNE thought it would be most unfair if men who had for years, by a compliance with the law, maintained their names on the register, were now, by a penal enactment, dispossessed.

MR. GROGAN did not understand why, if the old principle was so good, as implied by the hon. Member for the city of Cork, a new principle was requisite.

MR. REYNOLDS said, he should certainly vote with the hon. Member for the city of Cork, but he could wish that his proviso had been limited to the class of 10*l.* leaseholders, whom he considered very hardly treated by the Bill, since it practically made them liable for local rates and taxes, from which at present they were exempt.

MR. G. A. HAMILTON said, the proviso went further than hon. Gentlemen seemed to conceive, since, in point of fact, it not only continued the votes in question for the remainder of the eight years, but absolutely perpetuated them.

Question put, “ That this Proviso be there added.”

The Committee divided :— Ayes 38; Noes 80 : Majority 42.

Clause agreed to, as were also clauses

9 to 14 inclusive, with some verbal amendments.

On Clause 15,

SIR R. FERGUSON moved that the following words be struck out of the clause:—"Excluding nevertheless from such lists all persons registered under the said Act in respect of any qualification heretofore requiring the elector to be or to have been in the actual occupation of the premises." His object was, that the names of persons now on the register should be retained until they were objected to, such persons as might hereafter establish their claims being added to the list.

The ATTORNEY GENERAL said, the proposal of the hon. Baronet would alter one of the main principles of the Bill, which proceeded upon the English borough registration system. That plan had worked more satisfactorily and less expensively than the English county registration system; and he thought the clause as it stood would establish the most simple and satisfactory mode of registration.

MR. VESEY observed, that this Bill had been introduced professedly as a boon to the people of Ireland—as a means of extending the franchise, and giving every person possessing a qualification the right of voting for representatives in Parliament. As this clause now stood, however, the Bill would not in many cases be regarded as a boon; because, under the clause, every person possessing a qualification was to be placed upon the register, whether he wished it or not. Every one acquainted with Ireland was too familiar with the agitation and heartburnings attending elections in that country, and many persons possessing the requisite qualification as voters would prefer not being upon the register, that they might avoid the annoyance to which they were liable to be subjected at elections.

SIR G. GREY remarked, that the evil of pressure upon the elector would not be remedied by so shaping the law that he would not only be pressed for his vote, but pressed to send in his claim to be registered.

MR. ANSTEY thought that, according to the view of the hon. Member for Queen's County, the House should proceed to disfranchise Ireland.

MAJOR BLACKALL believed it would be a hardship in some cases to compel persons to be upon the register, and they might perhaps leave their rates unpaid in order to avoid this.

The ATTORNEY GENERAL observed, that their not being on the register would not enable them to escape payment of their rates, and the franchise was to be viewed as a trust cast upon the persons indicated by law as the parties to whom it should be committed.

MR. SHEIL said, that the operation of the Amendment would be to produce the very effect apprehended from the clause—namely, a contest between the territorial and sacerdotal influences. His advice was to avoid registration contests altogether. There certainly would be such contests if they did not provide a self-acting registration, as the landlord would say stay at home, while the priest would exhort them to register. His (Mr. Sheil's) opinion was that both influences should be neutralised.

COLONEL THOMPSON said, surely there was balm in Gilead without resorting to so extreme a measure as the disfranchisement of all Ireland, which one hon. Member had stated as the only cure. The point to note, was the wonderful unanimity of Members on both sides the House, in declaring that the suffrage was abhorrent to Irishmen, a thing no man would accept if he could help it, and this, as had been plainly said, through the intimidation of the landlords on the one side, and the priests upon the other. In this condition of things, the promised Motion of the Member for Tralee for the ballot in Ireland would come like oil upon the troubled waters, and he hoped all parties would remember their unanimity for its necessity.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 145: Noes 42: Majority 103.

MR. CLEMENTS moved a proviso at the end of clause 15. His object was to strike out from clause 15 to clause 19, with a view to the substitution of the clerk of the union for the high constable, as the officer who would have to prepare the lists of persons qualified to vote, and to make out the objections indicated in clause 19, and to receive general claims and objections. He also proposed that the lists so prepared should be forwarded to the clerk of the peace, who should be the officer to cause the lists to be printed and exhibited, and likewise that the lists should be made out by parishes and townlands alphabetically. He contended that the clerk of the union was the proper officer to prepare the lists, more especially as the baronies over

which the high constables presided were often divided among two or three unions.

SIR W. SOMERVILLE admitted that the proposition of his hon. Friend would be an improvement on the Bill, as it would save expense and greatly facilitate the operation of the measure. He would, therefore, agree to insert the proviso to omit the clauses as proposed; the substituted clauses could be brought up at the end of the Bill.

Clause 15, as amended, agreed to; clauses 16 to 19, inclusive, struck out.

On Clause 20,

MR. F. FRENCH proposed an Amendment, for the purpose of preventing the striking off from the list a voter whose residence only might have been changed, his qualification remaining still the same.

Amendment proposed, page 11, line 12, to leave out the words "or continue in the same place of abode."

SIR G. GREY said, that the provision would not affect the franchise or the register, but merely provided for the accuracy of the high constable's list.

MR. G. A. HAMILTON said, that as the clause stood, a person with a 50*l.* freehold in Wexford, who happened to reside in Dublin, would lose his vote if he changed his house or apartments.

The ATTORNEY GENERAL said, that hon. Members seemed to disregard the operation of preceding clauses, which rendered it impossible for this provision to disfranchise a voter.

MR. F. FRENCH said, he did not wish to waste time. He left his Motion in the hands of the House, and if hon. Members wished to divide, let them do so.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 144; Noes 57: Majority 87.

Clause agreed to.

Clauses 21 to 26, inclusive, were struck out for the purpose of being brought forward in an amended form.

Clauses 27 to 37 were also agreed to. House resumed.

Committee report progress; to sit again on Thursday, 11th April.

#### OATHS OF MEMBERS.

MR. P. WOOD, pursuant to notice, moved that the Committee of Inquiry as to the oaths of Members do consist of twenty-one Members. He wished, as Mr. Disraeli would not be able to attend, that

the name of Mr. Herries be substituted for that of Mr. Disraeli.

MR. B. OSBORNE was surprised that the name of the hon. Member for Youghal, who had given much attention to this subject, had not been included in the proposed Committee.

MAJOR BERESFORD said, he should object to the list of the Committee, and divide the House on it, unless he received a distinct assurance that the Committee was not to consider and report upon the admissibility or non-admissibility of Jews, otherwise than by Bill. It ought to be confined to the objects stated in the Motion.

MR. P. WOOD could not answer for the Committee, but so far as the terms of the Motion went, and so far as his own intentions went, the Committee would be one like that which sat in the case of Mr. Pease—simply a Committee to report on Acts of Parliament and precedents. It would consist of twenty-one Members, being six beyond the usual number.

MR. M. J. O'CONNELL moved that the number be twenty-two.

MAJOR BERESFORD objected to the constitution of the Committee. There were thirteen Members of it favourable to the Jewish claims, and only eight unfavourable. He should, therefore, meet the Motion to add one more to the number of those who were favourable with a decided negative.

SIR G. GREY observed, that if one hon. Member moved to have a Committee of twenty-two, another hon. Member might propose twenty-three. It was better to adhere to the numbers usually appointed, namely, fifteen, or occasionally twenty-one.

Motion made, and Question proposed, "That the Committee do consist of twenty-one Members."

Amendment proposed, to leave out "twenty-one," and insert "twenty-two," instead thereof.

Question, "That 'twenty-one' stand part of the Question," put, and agreed to.

MR. B. OSBORNE wished the hon. Member he had named placed on the Committee, because that hon. Gentleman knew more of the subject than any one else. He should move that the name of the Earl of Arundel and Surrey be omitted; not that he had any objection to the noble Earl personally, but that he might make the substitute he had proposed. If he had any support he would divide the House.

The Earl of Arundel and Surrey, Lord



J. Russell. Sir R. Peel, Sir J. Graham, Mr. Gladstone, Mr. Goulburn, Mr. W. Wynn, Sir R. H. Inglis, Mr. Attorney General, The Lord Advocate, Sir F. The-  
siger, Mr. Cockburn, and Mr. Henley, were  
nominated Members of the Committee.

Motion made, and Question put, "That  
Mr. Hume be one other Member of the  
Committee."

The House divided:—Ayes 47 ; Noes  
16 : Majority 31.

Mr. Napier, Mr. Roebuck, Mr. Turner,  
Mr. W. Patten, Mr. Walpole, and Mr.  
Wood, were nominated other Members of  
the Committee.

Power to send for persons, papers, and  
records ; Five to be a quorum.

#### BRICK DUTIES BILL.

MR. HAYTER moved the First Reading  
of the Bill to repeal the Duty on Bricks;  
and, in reply to a question of Mr. Hudson,  
said, that no provision had at present been  
made in the Bill for a return of the duty  
on the stock of bricks in hand, but the  
matter was under consideration.

Bill read 1<sup>o</sup>.

The House adjourned at One o'clock.

#### HOUSE OF LORDS,

*Tuesday, March 19, 1850.*

MINUTES.] PUBLIC BILLS.—2<sup>a</sup> Registrar of Me-  
tropolitan Public Carriages.

*Reported.*—Consolidated Fund.

3<sup>a</sup> Railways Abandonment.

#### EXHIBITION OF THE WORKS OF INDUS- TRY OF ALL NATIONS.

LORD BROUGHTAM then rose, in pur-  
suance of his notice, to move that an hum-  
ble Address be presented to Her Majesty  
for the production of a Copy of the Royal  
Commission for the promotion of the Ex-  
hibition of the Works of Industry of all  
Nations, to be holden in the year 1851.  
He would call the attention of his noble  
Friend the Vice-President of the Board of  
Trade (Earl Granville), and of his noble  
Friend at the head of the Woods and  
Forests, to that Motion, which was a mat-  
ter of course, and would not be resisted.  
He wished at the outset of his remarks to  
guard himself against the supposition that  
he had brought the subject forward in order  
to bring into disrespect "the Exhibition  
of the Industry of all Nations." His belief  
was, that it would indeed be an exhibition  
of the industry of all nations, and his only  
hope was, that a due proportion of that ex-  
hibition would consist of the exhibition of

the industry of the manufacturers and agri-  
culturists of this country. He was per-  
fectly confident that there would be a flock-  
ing of the natives of all countries with their  
wares and inventions, either into Hyde  
Park, or into the Green Park, or into the  
Victoria Park at the east end of the town,  
or into any other park or place in which a  
depository for them was to be provided by  
the voluntary contributions of our country-  
men. He greatly approved, and beyond  
all measure admired, the admirable conduct  
of our tradesmen, shopkeepers, and man-  
ufacturers, who had so honourably to them-  
selves, with the greatest disinterestedness,  
with the purest patriotism, with the ut-  
most love to their customers, and with the  
kindest feelings to their customers' pockets,  
assented to a proposition which must lower  
the price of all the goods and wares which  
they made, and which we consumed. It  
was a most convincing proof that nothing  
could be more unfounded than the cele-  
brated attack of Dr. Adam Smith on the  
spirit of the trading and commercial com-  
munity, so often quoted of late years in  
both Houses of Parliament. Dr. Adam  
Smith had said, that nothing could be more  
mean, narrow, or contracted, than the  
views of the manufacturing and trading  
interests, especially when contrasted with  
the quiescence of the agricultural inter-  
est—a quiescence which might have ex-  
isted in his time, but which had certain-  
ly disappeared during the last autumn  
under the auspices of some of his Pro-  
tectionist friends near him. He had no  
doubt that both the trading and the ma-  
nufacturing interest would lose a great  
deal presently, even though they might  
gain a good deal ultimately. They would  
bring their goods to a market where  
they would be obliged to sell them at a  
cheaper price than ordinary, whilst the  
foreigners of all nations would bring  
their goods to a market where they  
would sell them for a price far dearer  
than any which they could hope to ob-  
tain in their own countries. The compe-  
tition, however, would do ultimate good  
to the trader and manufacturer of Eng-  
land; they would obtain something by  
the exchange of ideas, and would, no  
doubt, learn something whereby to im-  
prove the fabric of their manufactures.  
They would not, however, increase the  
price of their commodities and manufac-  
tures. No, no; down, down, down would  
come the prices; and so much the bet-  
ter would it be for the consumers, and

ultimately no doubt for themselves. They would not, however, find this so sweet in the taste as it was in the prospect. But they had made up their minds, and were furnishing their subscriptions; and he considered this as a tribute to the advanced spirit of the age, given by the manufacturer to the agriculturist, to compensate for the loss which the latter had sustained in the withdrawal of protection. He hoped that it would be as gratefully accepted by his noble Friends of the Protectionist school, to which he did not belong, as it would be by himself, a pupil of the Liberal school, which took equal interest in cheap corn and in cheap goods. It was not from any hostility to this proposed Exhibition of the Industry of all Nations that he offered these remarks to their Lordships, but from a sincere wish that a great evil might not be inflicted on this metropolis—from a sincere wish that one of the lungs of this great capital might not be choked up by the erection of a huge building, which he should call a tubercle upon them, and which must occupy a space of 20, 30, or even 50 acres; for the building must, he inferred, be very huge, if it were really intended to contain the industry of all nations, though perhaps the contribution of British industry to it might be small indeed. He thought that the building had better be erected in Victoria Park, both for the commercial and the convivial purposes of the City. He should not like either the Green Park or St. James's Park choked up with it; but in Hyde Park it certainly must not be. In the year 1807 it was proposed to build only eight houses in Hyde Park; but the proposal met with such general opposition, that the Government was obliged to withdraw it. It was on that occasion that Mr. Wyndham made the celebrated speech in which he adopted the phrase of Lord Chatham, that "the parks were the lungs of this great metropolis." The Crown in consequence gave up its design of encroaching on the parks. The noble Lord concluded by declaring that if this building were suffered to be erected in Hyde Park, all the parks would be at an end.

The EARL of CARLISLE said, that he could not give his noble and learned Friend any official information on this subject, as he no longer presided over the department of Woods and Forests; but, as far as his own functions went, he would readily give his noble and learned Friend every information in his power. A communication

had been made to Her Majesty's Government by the members of the Commission—who consisted of noblemen and gentlemen of all parties who took a prominent part in public affairs, requesting that a certain portion of Hyde Park, which could be spared with the least inconvenience to the public comfort and the public recreation, should be assigned to them for the site of the buildings which must be erected for this Exhibition of the Industry of all Nations; for at present we had no building of a sufficient magnitude for it. As they knew that the project had the full sanction of the Sovereign, Her Majesty's Ministers did not feel themselves justified in throwing any obstructions in the way of the Commissioners. The erection of such a building in such a place for some time would not, in his opinion, be any obstruction upon the lungs of the metropolis. But even if it were, he could not see any reason why their Lordships should be more tender to the aristocratical lungs of one portion of the metropolis than they were to those of the densely-populated district in the neighbourhood of Victoria Park. The open area of Hyde Park contained 270 acres; that of Regent's Park contained 200 acres; and that of Victoria Park, which he recommended all their Lordships to visit in order to see the facilities which had been given for recreation to those who were pent up during the day in this great metropolis, contained 190 acres. Moreover, he did not think that a proposition to block up a space which had so recently been opened for the recreation of the inhabitants of the east end of London, could be made with a good grace. If there were any parties who could bear better than another this obstruction of the lungs which appeared so formidable in the eyes of his noble and learned Friend, surely it was the wealthier class at the west end of the town, who could escape with ease from town before the inconvenience of it, if inconvenience there should be any, reached them.

LORD BROUGHAM was aware that the Commission was powerless, without the assistance of the Government. With regard to the preparations for this exhibition, however, perhaps the noble Earl (the Earl of Carlisle) would state what he meant by "temporary inconvenience."

The EARL of CARLISLE meant that it would only be for one year.

LORD BROUGHAM said, that if these preparations were only to be for one year, they would prove very expensive. He

should like to know also what was to be done with the cattle. The preparations proposed to be made would, he feared, render the west end of the town utterly uninhabitable during the period for which they lasted.

A NOBLE PEER asked, whether it was intended to remove any of the trees on the site of the proposed buildings?

The EARL of CARLISLE replied in the negative.

Motion agreed to.

#### THE JOURNEYMEN TAILORS OF THE METROPOLIS — GOVERNMENT CONTRACTS FOR THE SUPPLY OF CLOTHING.

EARL WALDEGRAVE called the attention of Her Majesty's Ministers to the case of the journeymen tailors in the metropolis, as regarded the contracts for the supply of clothing to the Custom House, Ordnance, Police, and Navy of the country. The noble Earl was almost inaudible, but was understood to represent the wretched condition of the journeymen tailors of the metropolis, and especially of those who were employed by the middlemen who undertook the execution of portions of the Government contracts. He believed that such scenes of distress might be witnessed among this class of persons as their Lordships could scarcely conceive of, for their earnings were so small as to enable them with difficulty to pay for their lodgings, leaving them scarcely anything for board and lodging. He trusted the Government would take the case of the journeymen tailors into its consideration, especially of those employed in the execution of Government contracts, and see if something could not be done for their relief.

The EARL of MOUNTCASHELL believed that the condition of these journeymen tailors was most deplorable, and was only to be paralleled by the state of the unfortunate needlewomen. The whole operative class, he believed, were suffering the greatest distress at the present moment; and any one reading the letters in the *Morning Chronicle* on "Labour and the Poor," would find that the journeymen shoemakers were equal sufferers with the journeymen tailors. He admitted the difficulty of legislating upon the subject, and that it was not easy to give effect to any regulations upon the question of labour. There were two main causes from which, in his opinion, the sufferings among these artisan classes sprang—over population

and free trade. In proportion as the salaries and purchasing means of the population were contracted, and consumption diminished, so were the means of obtaining employment by these artisan classes diminished. It was in times of great want and pressure that Jews, like Moses and Son, stepped forward and offered articles at a cheap rate, that persons with contracted means could not afford to go to other sources for their clothing. He believed that thousands and tens of thousands of the working population were suffering, and that their numbers were increasing every day. He thought that this suffering was the natural result of unduly reducing the means of one class of the people, to the necessary injury of other classes. The surplus wages of the artisan and labourer had come down; he believed they would come still further down, and that their sufferings would be augmented. He should be glad to know that he was wrong in entertaining these views; but how by and by these people were to provide out of their wages for their wives and families he was thoroughly at a loss to conceive.

The MARQUESS of LANSDOWNE: As the noble Earl (Earl Waldegrave) has thought proper to call the attention of Her Majesty's Government to this subject, and has expressed a hope that they will provide a remedy for the evils of which he complains, I think it necessary to address a few words to your Lordships. Confining myself to the particular case with which the noble Earl has made himself familiar, the case of the journeymen tailors, I am not for a moment going to contend that they are not a class as deserving the attention of the Government and of the country as any other description of workmen in the country. But I do not think it possible for the Government, or for Parliament, in the face of the laws of supply and demand, to ameliorate the condition of that class, or to do anything to guard against that depression which may affect those carrying on any trade in this country. The noble Earl has adverted to the system of contracts, and has expressed his belief that it is in the power of the Government, by regulating these contracts, to ameliorate the condition of the workpeople. But the noble Earl must be aware that the whole business of the country in this respect is carried on by a system of contracts; and if the Government abandons that system, the only course left open to the Government is to take into its own hands the whole ma-

nufacture of clothing, and all those other things with which it is necessary that the Government should be supplied. Short of this—if, for instance, we attempted to introduce a system with respect to limiting the amount of wages, and with respect to the nature of the articles and work required, I think we should be opening the door to a system of imposition which would throw additional burdens on the Exchequer, and prevent the public being served on the same terms as now. With respect to the Government either altering the present system of supplying the public necessities, or recommending the Legislature to adopt any measure for altering by law the wages now given, and for introducing a scale, possibly required in this trade, and not by other classes, I do not think that any such interference would be attended with success, or ultimately with advantage to that particular class of persons to whom the noble Earl has alluded, however deserving they may be.

Subject at an end.

House adjourned to Thursday next.

## HOUSE OF COMMONS,

*Tuesday, March 19, 1850.*

MINUTES.] PUBLIC BILLS.—1° Extramural Interments.

2° Factories.

*Reported.*—Mutiny; Marine Mutiny.

3° Titles of Religious Congregations (Scotland).

### RAILWAY BILLS.

MR. E. ELLICE, seeing the right hon. Gentleman the President of the Board of Trade in his place, begged to state to the House the reasons which had induced him to give the notice of Motion that appeared on the paper with respect to the introduction of a certain clause in Railway Bills. The clause of which he had given notice referred only to existing rights—it referred only to obligations that had been confirmed, sanctioned, and created by Parliament—it referred only to obligations in the nature of debentures, bonds, or guarantees, or whatever denomination they came under, that had legal rights attached to them; and all he asked to do was, to secure to the parties that held those obligations the full exercise of the legal rights they at present possess. It was a fact that was perfectly notorious, that a large amount of property had been invested in those securities. They had been looked upon as one of the most unexceptional

sources of investment, and consequently money not otherwise usually employed for speculation—trust-money, and other moneys of that description—had been invested in this species of property. It was quite obvious they should prefer it, for they considered that they lent their money on the security of Act of Parliament, and, in fact, on the good faith of that House. He did not think the sufficiency of the property on which the obligation was taken at all entered into the merits of the question—that was at the risk of the parties advancing the money; they took the security of Parliament, and then rested upon their relative positions as creditor and debtor, and all he asked was to preserve inviolate their rights as creditors over the property of the debtors. Bills had been introduced this year which had for their object the destruction or injury of the securities possessed by these parties. On the preceding night the House at once very properly rejected a Bill that had been brought in for the avowed purpose of taking away from parties that had advanced their money their guarantee for the security of it. At all events the Bill was to give the company power to alter the guarantee, and the House repudiated that attempt, which he would say was an attempt at spoliation. He thought the result would prevent any overt attempts being made of a similar nature. He had stated on the preceding night that other Bills had been introduced by which, in an indirect manner, the same object would be attained. He had declined to mention the particular cases, and would not do so, because his attention had been drawn only to one or two Bills, and there might be more Bills in a similar position; but the fact was, that such Bills had been introduced, and the alarm thereby created amongst the holders of this species of property was very great, and was followed by a great depreciation of that property. In support of this statement he had only to refer to breviate before the House, which had been published, with notes appended by the Commissioners of Railways, stating that attempts were made to give a preference over past guarantees, and no security was given that the past obligations of the companies were to be maintained. If there had been any notice of the circumstance by the House, the clause referred to in his notice of Motion would perhaps be unnecessary; but no such notice having been taken of it, and these notes having gone forth to the



public, it was natural that alarm should be created. In the absence of any such notice, persons might think that the House was inattentive to their interests; and though they had hitherto considered that they held their property inviolate, they would come to the conclusion that its value was to be affected. He thought that a remedy for the evil would be found in the adoption of the course proposed by him. He did not think it was a matter to be left to the Committee at all. He thought there was a great public principle at stake, involving the good faith of the House, and that therefore it was a matter which the House itself ought to settle. He knew it might be said that a majority of shareholders being guaranteed might compel the minority to succumb. He held it as a principle, that if a person bought a security on which an Act of Parliament sets a value, it would be a breach of good faith on the part of the House, by any act of the House to take away from the value of that security. As an individual he had a right to the protection of Parliament for what he bought on the faith of Parliament. This clause was *verbatim* a clause introduced last year by the Chairman of Ways and Means into the unopposed Bills brought before him. He (Mr. Ellice) had communicated with the right hon. Gentleman the President of the Board of Trade, and they felt that it was a matter that required great consideration. It was probable that this clause would not carry the matter far enough—that it was not stringent enough; and having received an assurance from the right hon. Gentleman that the subject would command his attention, as also the attention of the Commissioners of Railways, in order to devise means whereby the parties who had so invested their money would be duly secured, he would withdraw his Motion, and leave the matter in the hands of the right hon. Gentleman. He thought that was the course that would be most satisfactory to the House, and conducive to the interest of the parties.

Mr. W. PATTEN had intended to oppose the introduction of this clause, but agreed with the hon. Gentleman that it was better to leave the matter in the hands of the right hon. Gentleman the President of the Board of Trade. He was sure the right hon. Gentleman would produce such a clause as would effect the objects they had in view, without inflicting injury on any parties. From the situation he held as Chairman of the

Standing Orders Committee, he was aware that there were cases in which the shareholders themselves were asking relief from the difficulties in which they were placed, and where they were about stopping proceedings from the inability to raise funds.

Mr. LABOUCHERE thought that the House should hold as a general rule that those who had preference shares should not be deprived of the security they possessed. He thought, however, the clause would require consideration before the House could agree to adopt it, and he was willing to consider in what form the House could most conveniently and properly effect the object desired.

Motion, by leave, withdrawn.

#### ADMIRALTY CONTRACTS.

COLONEL CHATTERTON, pursuant to notice, begged to ask the First Lord of the Admiralty if the Admiralty, in September last, accepted tenders for the supply of 1,500 tierces of navy pork from a Hamburg house, at 5*l.* 6*s.* 6*d.* per tierce, refusing tenders from Irish provision merchants for the supply of that article? and whether it was his intention to continue to throw open the supply in future to foreign competition? and whether he had heard that the provisions supplied by foreign contract were recently rejected by an emigrant ship at Portsmouth, as bad, and greatly inferior to provisions made up in Ireland?

SIR F. T. BARING said, that for some years past the contracts for provisions furnished to the Admiralty had been open to foreign as well as to home traders; and with regard to the first question put to him by the hon. and gallant Member for Cork, he had to state that it was quite true that in September last the Admiralty advertised for 6,000 tierces of pork, of which 1,500 were taken by a foreign house. With reference to the second question which had been put to him, he saw no reason to make any alteration in the present practice; and as to the remaining question, he had only to observe that the Emigration Commissioners were not under the control of the Admiralty, and that consequently, he was not in a condition to say whether they had rejected any of the Government stores. He could state, however, that the provisions in question, so far as they had been supplied to our own Navy, had turned out to be very good.

COLONEL CHATTERTON then gave notice that immediately after Easter he would bring the subject to which his ques-

tion referred under the consideration of the House.

LORD J. MANNERS asked if any contracts for provisions had been taken by foreign houses in previous years?

SIR F. T. BARING could not say; but tenders had been received from foreign houses on former occasions.

Subject dropped.

#### SLAVE TRADE.

MR. HUTT rose to bring before the House the Motion of which he had given notice on this subject, and said that the time had at last arrived when, in accordance with the reports of two Committees of that House, appointed to consider the best means which Great Britain could adopt for providing for the final extinction of the slave trade, it became his duty to submit a Motion to the House upon that grave and important subject. The Motion to which he called their attention was, in effect, that it was expedient for this country to desist from all acts for suppressing the slave trade by force of arms. To carry out that declaration, it was, in the first instance, necessary that this country should be released from all its treaties and engagements which bound her to the maintenance of the African squadron. A conviction of the expediency of adopting such a course was strongly impressed upon the minds of the majority of both Committees of which he was the chairman. The House would permit him to advert for a moment to the strenuous efforts which had been made to decry the report of the Committee of 1849, by stating that it was carried only by his casting vote. ["Hear, hear!"] He would only say, in reply to those cheers, that if that statement had been confined merely to writers in newspapers, or to scribblers of pamphlets, he should have left them in undisputed possession of the last word upon that, as upon all other points of the slave-trade controversy; but as the observation was made by Members of this House, and especially by the noble Lord at the head of the Government at the close of the last Session of Parliament, and that, too, when he (Mr. Hutt) was absent from illness, he thought it was necessary he should now notice it. He heard with regret and with much surprise that the noble Lord had made that statement, for he (Mr. Hutt) thought it was scarcely becoming the high character and position of that noble Lord. The statement was, in fact, one of those half-truths that disingenuous men

resorted to when they were endeavouring to steal an advantage which they could not honourably acquire. The facts of the case were very simple—at the conclusion of the Committee of 1848 a general wish was expressed that some further prosecution of the inquiry should be undertaken by those, and by those only, who had been concerned in the beginning of it. It happened, however, that before the next Session of Parliament two of the Members of the Committee had ceased to be Members of the House of Commons. Lord Courtenay had gone to the board of the Poor Law Commissioners, and Mr. Barkly had accepted the office of Governor of British Guiana. These gentlemen were, consequently, excluded from further pursuing the inquiry. It happened, too, that they were both taken from the majority upon the great matter at issue between them, and, consequently, if in the Committee of 1849 the report was carried only by the casting vote of the chairman, the circumstance must be attributed to that fact, and not to any change of opinion on the part of any Members of the Committee, which had been both insinuated and asserted. It must be ascribed to one of those casualties, arising from the accidental absence of Members—an accident which would sometimes occur both in that House and in Committees; and he should think that the leader of the House of Commons ought to be the last man to appeal to as the occasion for taking a just expression of opinion. The report of the last Committee was, under these circumstances, carried by a considerable majority, in every proper sense of the word. Mr. Barkly was one of the West Indian body—men with whose votes he (Mr. Hutt) did not hope to be favoured that night—and Lord Courtenay was placed by him (Mr. Hutt) on the Committee at the request of the hon. Baronet who now represented the county of Devon, and by other Gentlemen whose minds had yet to undergo the change which a full consideration of the evidence effected upon the just and honourable mind of Lord Courtenay himself. Having thus endeavoured to free the report of the Committee from those prejudices which it had been the effort of some parties to raise against it, he would proceed to state to the House those facts and circumstances which, in the opinion of the Committee, justified that reports. It was now thirty-one years since Great Britain, having negotiated various treaties with foreign States for

the suppression of the slave trade, despatched to the coast of Africa armed vessels to carry the object of those treaties into execution. Then began that memorable blockade of the coast of Africa, the true character of which, as well as the circumstances of its final abandonment, had yet to be written in our history. They had no sooner taken measures for the suppression of the slave trade, than that trade began to increase. Up to 1815 the highest number of persons exported as slaves from the coast of Africa was 90,000*l.*; in 1819 it had amounted to 105,000, and the numbers continued to increase under circumstances of aggravated atrocity. Such, indeed, was the progress of the slave trade that the Duke of Wellington, as British Minister at the Congress of Verona, acting under the direction of Mr. Canning, then Secretary of State for Foreign Affairs, laid before the assembled Ministers and representatives of the States of Europe a memorandum, to one part of which he would presume to call the particular attention of the House. In his (Mr. Hutt's) opinion this memorandum deserved the utmost consideration; for the language it employed and the description which it gave of the slave trade under the influence of our measures of suppression, was the language and description such as any eloquent person who might now speak on the subject would apply to the present state of that trade. The extract from the memorandum submitted by the Duke of Wellington to the Congress of Verona, on the 24th of November, 1822, ran thus:—

“I have the means of proving that the slave trade has been, since the year 1815, and now is, carried on to a greater extent than it has been at any former period. This contraband trade is attended by circumstances much more horrible than anything that has ever been known to former times. It is not necessary here to enumerate the horrors respecting it, but it cannot be denied that all the attempts at prevention have tended to increase the aggregate of human suffering, and the waste of human life in a ratio far exceeding the increase of positive numbers carried off into slavery. The dread of detection suggests expedients of concealment productive of the most dreadful sufferings to the cargo. The numbers put on board each vessel are far from being proportioned to the capacity of the vessels, and the mortality is frightful to a degree unknown since the attention of mankind was first called to the horrors of this traffic. There is no hesitation in declaring that it would have been far more consoling to humanity, and that by far a smaller number of human beings would have lost their lives by lingering and cruel suffering, if the trade had never been abolished by the laws of any country.”

Such was the description of the slave traffic

under blockade, solemnly addressed to the States of Europe by two of the first men of our age and country, Mr. Canning and the Duke of Wellington; and at a time when the slave trade had certainly not assumed all the horrible characters which now belonged to it. Some efforts were accordingly made to render more efficacious the work of suppression. Measures were taken for increasing the number of our cruisers on the coast of Africa. By and by steamboats were added to the sailing vessels; powers were obtained from almost all the States of Europe enabling British cruisers to visit and search suspected vessels on the high seas—vessels presumed to be equipped for the slave trade were made the objects of seizure, and were all broken up. Brazil, Portugal, and Spain were placed under the influence of more rigid treaties; and indeed no measure of coercion that could suggest itself to the enthusiasm of Exeter Hall, or the astuteness of the Foreign Office, was overlooked on our part. Well, what was the result of all this industry, and of all this exertion? He had read the description given by the Duke of Wellington of the state of the slave trade, and our influence on its suppression up to the year 1822. In 1839 an eminent individual, one loved and honoured in our own times, and certain to be well remembered hereafter, gave another description of this traffic. In 1839, Lord J. Russell, then Secretary for the Colonies, addressed a letter to the Lords of the Treasury, in which he found this passage:—

“The state of the foreign slave trade has for some time past engaged much of the attention of Her Majesty's confidential advisers. In whatever light this traffic is viewed, it must be regarded as an evil of incalculable magnitude; the injuries it inflicts on the lawful commerce of this country, the constant expense incurred in the employment of ships of war for the suppression of it, and the annual sacrifice of so many valuable lives in the service, however deeply to be lamented, are the most disastrous results of this system. The honour of the British Crown is compromised by the habitual evasion of the treaties subsisting between Her Majesty and foreign Powers for the abolition of the slave trade; and the calamities which, in defiance of religion, humanity, and justice, are inflicted on a large proportion of the African continent, are such as cannot be contemplated without the deepest and most lively concern. To estimate the actual extent of the foreign slave trade is, from the nature of the case, an attempt of extreme difficulty: nor can anything more than a general approximation to the truth be made. But I find it impossible to avoid the conclusion, that the average number of slaves introduced into foreign States or colonies in Am-

rica and the West Indies, from the western coast of Africa, annually exceeds 100,000."

The noble Lord took the western coast of Africa only, and the average number of negroes. It continued—

"In this estimate a very large deduction is made for the exaggerations which are more or less inseparable from all statements on a subject so well calculated to excite the feelings of every impartial and disinterested witness. But, making this deduction, the number of slaves actually landed in the importing countries affords but a very imperfect indication of the real extent of the calamities which this traffic inflicts on its victims. No record exists of the multitudes who perish in the overland journey to the African coast, or in the passage across the Atlantic, or of the still greater number who fall a sacrifice to the warfare, pillage, and cruelties by which the slave trade is fed. Unhappily, however, no fact can be more certain, than that such an importation as I have mentioned presupposes and involves a waste of human life, and a sum of human misery, proceeding from year to year, without respite or intermission, to such an extent as to render the subject the most painful of any which, in the survey of the condition of mankind, it is possible to contemplate. The preceding statement unavoidably suggests the inquiry, why the costly efforts in which Great Britain has so long been engaged for repressing the foreign slave trade have proved thus ineffectual? Without pausing to enumerate the many concurrent causes of failure, it may be sufficient to say that such is the difference between the price at which a slave is bought on the coast of Africa, and the price for which he is sold in Brazil or Cuba, that the importer receives back his purchase money tenfold on the safe arrival of his vessel at the port of destination. We must add to this exciting motive the security which is derived from insurances and insurance companies, which are carried on to a great extent, and combine powerful interests. Under such circumstances, to repress the foreign slave trade by a marine guard would scarcely be possible if the whole British Navy could be employed for that purpose. It is an evil which can never be adequately encountered by any system of mere prohibition and penalties. Her Majesty's confidential advisers are therefore compelled to admit the conviction that it is indispensable to enter upon some new preventive system."

It was very true that those statements were made with a view to support the Niger expedition; but, as he was sure they were made in a spirit of sincerity and truth, all the general allegations and general facts brought forward, must be of general application, and he did the noble Lord no wrong in reading those passages, though they were disconnected from the subject of the Niger expedition. But that was not all. In the following year—1840, a great assembly was held in Exeter Hall. His Royal Highness Prince Albert took the chair upon that occasion. He was supported by the noble Lord at the head of the Government, by the right hon.

Baronet whom he saw opposite, by both the hon. Members for the University of Oxford, by a perfect constellation of Lords spiritual and temporal, by well-dressed ladies and gentlemen in thousands. He had been accused of using strong language, and entertaining some very rash opinions on the subject of the slave trade. He would ask the House to attend to the resolutions of that elegant and well-conducted assembly in Exeter Hall. The first resolution was moved by Sir F. Buxton, and seconded by the Archbishop of Canterbury, then Bishop of Chester:—

"That, notwithstanding the measures hitherto adopted for the suppression of the foreign trade in slaves, the traffic has increased, and continues to increase under circumstances of aggravated horror."

The second resolution was moved by Dr. Lushington, and seconded by Archdeacon Wilberforce, now the Bishop of Oxford, and Chairman of the Committee of the House of Lords:—

"That the utter failure of every attempt by treaty, by remonstrance, and by naval armaments to arrest the progress of the slave trade, proves the necessity of resorting to a preventive policy founded on different and higher principles."

He said that the Committee of the House of Commons, of which he had the honour of being chairman, brought forward no allegation more positive than that, either in regard to the extent of the slave trade, or the means of suppressing it. But surprised was he that the persons now undertaking to defend this system, then stood forward as its accusers. That year and some subsequent years were distinguished by a temporary but remarkable diminution of the slave trade, and there were certain naval officers who were anxious to persuade the world that that diminution was caused by their presence on the coast of Africa. He certainly believed that Captain Denman and Captain Matson were most zealous and energetic officers; but when they claimed to themselves and their plans and performances the merit of greatly reducing the slave trade at that period, he thought they were suffering in some respect under that delusion which led a parish sexton to believe that the piety and exemplary attendance on Divine worship in his parish were entirely explained by the manner in which he tolled the church bell. It was very true that at that period Captain Denman was at his post, but there were other and far more powerful agencies at work. He saw



near him the First Lord of the Admiralty, who, about that period, happened to be the Chancellor of the Exchequer. He was sure the right hon. Gentleman would remember, though other persons might have forgotten it, that the period to which he was now adverting was a period of great mercantile depression. That depression affected the slave trade quite as much as the legitimate branches of commerce. That was one of the concurrent causes of the great diminution of the slave trade at that period. But there was another of a very remarkable character. At that time both Cuba and Brazil were honestly engaged in an attempt to prevent the importation of slaves into those countries. Mr. Gore Ouseley, the British Minister at Rio, whose despatches at that time had some years after been laid on the table of the House, attributed the diminution in the country in which he was placed mainly to the exertions made by the then Brazilian Minister of Marine—that excellent man Senor Cavalcanti. At the same period Cuba was governed by General Valdez. In 1843 General Valdez was removed, and at the same time the Anti-Slavery Ministry of Brazil went out of office. Commerce revived, and with that revival, notwithstanding the improved efficiency of our fleet, revived all the horrors of the slave trade. In 1842 the number of slaves exported from Africa had sunk down to very nearly 30,000; in 1843 it rose to 55,000; in 1846 it was 76,000; in 1847 it was 84,000; and though they had not been been furnished with any public means of ascertaining the number in the last year, or the manner in which the slave trade was now advancing, he had learnt, from such means as were open to him, that the slave trade was last year, and is still, in a state of unusual activity; and, indeed, he found in a paper laid on the table of the House at the close of last year some statements, from persons well qualified to form a correct judgment, which went to justify that opinion. He held in his hand a paper, called “A Mission to the King of Ashantee and Dahomey,” containing a statement made by Mr. Cruickshank, in a letter written from Whydah, at the close of 1848. He said—

“It is a distressing truth, that our present blockade is no check whatever to the slave trade; it is flourishing at this moment to such a degree, that the last accounts from Brazil reports more than 8,000 slaves in the market there without any purchaser; and not long ago a cargo of slaves arrived at the same place, which found such a

bad market that they were given up to pay freight. In presence of such facts as these—and the additional fact, that, during the whole period that we have maintained cruisers on the coast, the slave trade has gone on uninterruptedly—we must be convinced of the futility of such a system. It appears to me to serve no other purpose than to increase the horrors of the traffic. In the first place, the certainty of losing a considerable proportion by capture increases the slave merchant's orders for supply to the slave-hunting African kings, and so renders more frequent and incessant their cruel forays. In the next place, the precautions necessary to avoid the cruisers oblige the slavers to cram these miserable objects into the stifling holds of small vessels, where it is well known that thousands die from suffocation. In addition to this, I believe I may add, that, sometimes happens that the slave merchant has been more fortunate than he calculated upon, and that more of his slavers have escaped capture than he expected; he does not, therefore, require the additional lot of slaves who have been handed down for him; so that they are left sometimes to starve in the hands of their captors, and sometimes are led forth to gratify them with their tortures. There can be no doubt but that much of this incredible suffering would be avoided if there were no cruisers.”

Such, then, was the end we had arrived at after a period of thirty years, in which we had been engaged in this work of suppression. But there was one feature in this history of suppression which was well worthy of the attention of the House. Up to 1840 the slave trade of Brazil was perfectly free. We could not then molest the slave trade south of the equator. The noble Foreign Secretary said, before the Committee—doubtless the noble Lord would recollect—that up to the beginning of 1840 the importation of slaves into Brazil was practically unrestricted. At the beginning of 1840 we acquired the right to suppress the slave trade south of the line, and we stationed our armed cruisers as they had since been placed; and what was the result? He asked not what was the temporary, but the permanent and real result of the change? It was perfectly true, that, in the outset, our cruisers, by going among the slavers before they had learnt the art of smuggling, captured a great number of them. But what was now the state of the slave trade south of the line? It was going on with, at least, as much activity as before our ships were on that part of the coast. It really made no difference in the amount of the slave trade there whether we were repressing it, or whether the importation of slaves into Brazil was “practically unrestricted,” to use the words of the noble Lord. Though opposed by the utmost vigilance and vigour of our squadron,

no change whatever had been produced in the extent of the slave trade. Nay, still further, it appeared that the importation of slaves into Brazil, during the last six or seven years, had actually overtaken the demand, stimulated as that demand had been by the acts of the British Parliament by admitting Brazilian sugar into the markets of this country. During the last six or seven years the price of slaves had been falling in the Brazilian market. That fact could not be questioned or denied. It was established before the Committee of that House, as hon. Members of that Committee would recollect, and he found it confirmed by the statements of Lord Howden and other eminent persons who appeared before the Committee of the House of Lords. He put those simple facts before the common sense of the House, and asked was it possible to believe that our squadron could be worth what it cost—that it was, in fact, worth a straw—when it was of no actual difference to the slave trade whether it was employed or not, and when, notwithstanding the increased demand for the production of slave labour, slaves were now cheaper in the markets of Brazil than when the slave trade was unrestricted. There was another fact still. Up to 1840 the slave trade was perfectly free for, at least, 1,000 miles south of the line. It might be supposed, that, as our squadron was suppressing the slave trade north of the line, the slave traders would confine their operations to that part of the coast where they could carry on their business unmolested. Was that the fact? No such thing. They resorted, in defiance of our squadron, in vast numbers to the very cruising ground on which it was placed; and hon. Members who had paid attention to the blue books on the table of the House would remark that a large portion of the slave trade to Brazil was actually carried on, by preference, in the very teeth of our squadron. These were facts that could not be denied or gainsaid, and he asked what were they to think of the preventive merits of the squadron after that? and yet they had the statement of the Bishop of Oxford gravely assuring them that the slave trade was greatly reduced in amount, and the probable increase was prevented by our efforts. Our efforts! He really wished they would soberly consider against what our efforts were directed. They were undertaking with the squadron to suppress a contraband trade which offered to those engaged in it a larger gain than any other

trade ever did in the world. It was of no use to say that, this was an unholy or unchristian occupation. Unquestionably it was so; but what they had to consider was this, that being a lucrative trade, could they suppress it by force of arms? There was not an instance in the history of the world, often as it had been tried, in which a lucrative trade under such circumstances was so arrested. They all knew the history of the Berlin and Milan decrees, when British goods, prohibited on the Continent—excluded from the ordinary channels of an introduction into the foreign markets—forced their way, in defiance of the concentrated powers of Napoleon, through the passes of Macedonia into almost every capital of Europe, and frequently were laid at the very door of the Tuileries. Had our own efforts been more successful? Read the history of the silk trade up to 1820. He recollected an hon. Friend exhibiting a prohibited bandana in that House in the face of the Chancellor of the Exchequer; and those who recollected the whole history of the silk duties would come to the conclusion that this country never could have prevented the introduction of prohibited silk manufactures. Let them also read the report of the Committee on the Tobacco Duties. Now, in this country, with everything in our favour, where the penal laws were readily carried into execution, with an army of preventive service men covering both shores and sea, it was found impossible to put down contraband trades, and yet they thought they could do it on the continent of Africa, one-fourth of the habitable globe, where, in addition to other disadvantages, we had the whole population striving against us, and almost every other nation in the world favouring the trade. They needed not the experience of thirty years to come to the conclusion that they must necessarily fail. It was stated by a great English writer, nearly 200 years ago, Sir Josiah Child, and his wise observation was corroborated and confirmed by statesmen and political writers of succeeding times, that—

“he that will give an higher price for any commodity shall obtain it by something or other, for such is the force, fraud, and subtlety of the course of trade.”

It was a great consolation to him (Mr. Hutt), who had undertaken the arduous duty of impeaching our suppressive system, that in examining the evidence laid before Parliament to know that the views he held,

and which he had for years advocated in that House on this subject, were fully corroborated and supported by those who, from intimate knowledge of their application, were the best qualified to judge of their merits. He would not trespass on the House by any elaborate analysis of the evidence before the Committee—nor was it necessary. The Committee examined a great variety of naval officers, travellers, merchants, missionaries, and other persons, and had elicited from them a great variety of conflicting and contradictory evidence. It was, however, to be observed that many of those witnesses, and especially the missionaries, had no more knowledge of this slave trade than if they had never quitted London; and, although generally they were strongly in favour of maintaining the squadron, of the operations of the squadron they had in their own persons no knowledge of it at all. Of the witnesses called, unquestionably the most important were the naval officers engaged on the African coast. The Committee had examined fourteen, including Captain Chads and Commodore Hotham. These fourteen naval officers differed widely in their opinion on this subject, but it was remarkable that, almost without exception, all officers who had had recent experience of the operations of the slave trade were almost hopeless as to its suppression. Those who had the strongest hope of suppressing it, were those who had not seen anything of the slave trade for the last seven years. Captain Denman had no difficulty; he would put down the slave trade in two years by a plan of his own. Captain Matson and Captain Butterfield also believed in the final extinction by force within a limited period of time, although they were not so sanguine as Captain Denman; but none of those had been on the coast for the last seven or eight years. Captain Denman left in 1843, and since then the slave trade has been going on, gradually improving its tactics and sharpening its wits and increasing all means of avoiding detection. The question is not whether the slave trade could have been put down in 1842 by such plans as had been laid before the public by Captains Denman and Matson. The question was not whether the slave trade could be put down then by such means, but whether the slave trade could be so put down now; and he found the naval officers of at least equal experience and of almost equal sobriety and judgment as

Captain Denman, state that no manner of managing the fleet by cruising in shore or off—no burning of barracoons, no right of search—no plan proceeding on the principle of force, would ever succeed in putting down the slave trade: many had gone further, and thought the least hopeful means of success would be the adoption of Captain Denman's system. He (Mr. Hutt) had stated that of the witnesses the most valuable were the naval officers; but he was sure the feeling of the House would go with him when he said that of the naval officers the most important communications were made by the commanders-in-chief—those who had held the command of the African squadron. Of such officers three only now survived. The Committee examined two of those gentlemen, Captain Mansell and Sir C. Hotham. Captain Mansell was on the coast of Africa three years. He quitted the coast in 1848, and commanded the squadron during half the time he was on the coast. He was an officer of great intelligence and of great personal distinction. What was his opinion on the question now before the House? He was asked—

“Looking to the extent of that coast, and to the facilities which the coast affords for the shipment of slaves, do you imagine that it would be possible, by any means of naval force, to suppress the slave trade, so long as there existed a high demand for slaves on the other side of the Atlantic?—I am perfectly convinced that it would be impossible. Are you acquainted with the particular plan for the suppression of the slave trade which has been proposed and strongly recommended by Captain Denman?—I know the general outline of the plan. Have you read the sketch of it which he submitted to the Admiralty?—Yes. Do you think that the vigorous enforcement of that system would effectually extinguish the slave trade?—I cannot think that it would. Do you think that it would to any important degree diminish it?—I do not think it would. Are you of opinion, that though by means of that system of blockade some stations might be effectually restrained in regard to the slave trade, the slave trade would shift its quarters and break out elsewhere?—I entertain no doubt whatever of it.”

At the end of 1846, Captain Mansell was succeeded by Sir C. Hotham. It was not for him to speak the praise of Sir C. Hotham, but this he might venture to say, that he had it from the late lamented First Lord of the Admiralty, that Sir C. Hotham was selected for the command, not on account of any personal or political interest, but entirely because he was, in the opinion of the Lords of the Admiralty, the fittest officer in the British service to undertake that delicate and important duty. Sir C.

Hotham owed his appointment entirely to his personal qualifications; and in command of the squadron he displayed no deficiency of those high qualities by which he had acquired the distinction of being appointed to the command. He (Mr. Hutt) was anxious to be well informed on this subject, and therefore he asked Lord John Hay to place himself in the witness's chair while he asked him a few questions. Lord John Hay was himself an officer of high professional distinction; he was a Lord of the Admiralty at the time, and a Member of the Committee, and he believed voted against every one of his (Mr. Hutt's) propositions. He was asked—

“As a naval officer and a Lord of the Admiralty, are you acquainted with the transactions of the African squadron while under the command of the late Commodore Sir Charles Hotham?—Yes. Were the operations of the fleet conducted on the part of that officer with zeal, intelligence, and skill?—I have heard the Board of Admiralty, both collectively and individually, give their opinion as to the manner in which they considered the services had been performed on the coast of Africa by Sir C. Hotham, and I cannot explain that better than by reading a letter which I have in my hand, which was the last communication made to Sir Charles Hotham on his striking his broad pennant at Spithead. From whom is the letter?—The letter is signed by the Secretary of the Admiralty, by the direction of the Board. Will you be so kind as to read it?—‘Admiralty, April 12, 1849. Sir, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that your return to England affords their Lordships an opportunity they have much desired of conveying to you the expression of their approval of the ability and energy with which you have conducted your late command; and it is with much satisfaction that my Lords attribute to your judgment and discretion your having successfully secured the co-operation of your foreign colleagues throughout your employment abroad.—I am, Sir, your most obedient servant, W. A. B. Hamilton.’”

He was then asked—

“Do you think that if it had been possible to stop the slave trade by such means as were confided to Sir Charles Hotham, the slave trade would have been stopped?—I am decidedly of that opinion.”

Captain Denman told the Committee that Sir Charles Hotham was the most distinguished of his standing in the British Navy—a man every one looked up to. Sir C. Hotham was asked—

“Was that force in a high state of discipline, generally speaking?—I thought so. Were your views carried out by the officers under your command to your entire satisfaction?—Entirely so. What was the result of your operations; did you succeed in stopping the slave trade?—No. Did you cripple it to such an extent as in your opinion is calculated to give to the slave trade a permanent check?—No. Do you consider that the slave

trade has been generally regulated by the strength and efficiency of the British squadron on the coast, or by the commercial demand for slaves?—I consider it is entirely dependent upon the commercial demand for slaves, and has little or no connexion with the squadron. You think that the present system is open to many grave objections on other accounts, and that it will not succeed?—Experience has proved the present system to be futile.”

Such was the opinion of a man who he could not but believe was better qualified to judge of the merits of this question than any living man. He had laid before the House the opinion of Captain Mansell, and of Sir C. Hotham. He had stated the opinion of a practical man, whose system found an opponent from another quarter, in a gentleman who had looked at this subject from an entirely different point of view, but whose opinions upon it were of themselves entitled to the greatest consideration—he meant the late Mr. Bandinell, of the Foreign Office. He had been for thirty years at the head of that department of the Foreign Office which was charged with the suppression of the slave trade; he came before the Committee an old man, with all the moderation and reserve which forty-five years of official life are well calculated to impart to a mind naturally judicious and discreet. What was the opinion of this long-experienced and prudent public servant? He said the squadron had produced on the slave trade no effect at all. The squadron was not able to diminish even the number of Africans demanded by the people of Brazil—they appeared to get as many as they wanted. He might from the same report quote other valuable opinions to show the House—he used the words of Dr. Lushington—that the squadron had not attained the end proposed in suppressing the slave trade, or diminished its extent; but he was content to rest his case as far as it depended on authority upon the evidence of Captain Mansell and Sir C. Hotham, and the late Mr. Bandinell. He knew not indeed where they were to look for guidance or counsel if a very considerable amount of deference were not given to opinions such as these. He could unaffectedly declare that he would mistrust any speculations of his own on the subject, if he found them opposed to authorities such as he had referred to. He came now to another part of the subject. We found, as we proceeded, that although the principle of force had a great many admirers, who still believed in the possibility of repressing the slave trade by force, there



was no one who thought the present application of the principle a satisfactory one. It was rather too much, that after the experience of thirty years, and after having spent 25,000,000*l.* of money in promoting this particular system, the discovery should all at once be made that the system was bad, and required the greatest modification. A notice had met his eye that morning of an Amendment to his Motion, which was to be made by his hon. Friend the Member for North Derbyshire, who, belonging to that class which was strongly in favour of maintaining the principle of force for the suppression of the slave trade, was nevertheless of opinion that the manner in which the principle was now applied was faulty. The hon. Member said, "the thing won't do;" but then he disliked his (Mr. Hutt's) proposition, and accordingly had come forward with a *contre projet*. Now, in his hon. Friend's Amendment there was a great deal that was obscure—much that was mysterious—and not a little that was wholly unintelligible. Thus much, however, was quite clear, namely, that his hon. Friend thought the present system required considerable alteration. Although his hon. Friend did not very clearly explain the nature of the alterations which he desired to see effected, other persons had supplied the deficiency in his proposal. For instance, one naval captain had declared that he would undertake to put down the slave trade if Parliament would only triple the naval force upon the African coast. Another said that he could manage to do it with only forty ships—chiefly steam-vessels—but then, he said, it would be necessary to make treaties with the African chiefs all along the coast, and to pay them handsome subsidies. A very respectable gentleman, the Chief Justice of Sierra Leone, Mr. Carr, thought that, if we furnished a force sufficient to watch closely the whole seaboard of both sides of the coast of Africa, and also changed the disposition of the native chiefs, there would be some chance of putting down the slave trade. Lastly, there was the report of the Lords' Committee, which convicted Sir C. Hotham of incapacity as regarded the management of the fleet, and showed that certain Peers and bishops were of opinion they could manage it a great deal better. According to these tacticians, a little alteration in the management of the squadron, and a little additional expense, and the thing was done. It was amusing to hear persons talk in

this quiet way of increasing the force of the squadron at "little or no additional expense." as if the British Government was under no obligation, either to their own subjects or to other States, but to try rash experiments for the suppression of the slave trade. Was the House aware of the amount of force at present employed in the suppression of the slave trade? It amounted to one-fourth of the whole British Navy afloat, exclusive of packets and surveying vessels. There were twenty-six vessels stationed on the west coast of Africa, which, added to those acting in connexion with them, which were stationed off the West Indies, the coast of South America, and other places, made up a force of thirty-nine or forty ships. Yet this immense force was, in the opinion of naval officers who had been last employed in the service, wholly inadequate to effect the object for which it was maintained. We were going on expending 700,000*l.* annually in the prosecution of this system, and yet this expenditure was too small in the opinion of certain noble Lords, naval captains, and others, who saw nothing objectionable in augmenting expense on this score. He was aware that he would be held to be wanting in good breeding for venturing to talk about expense in connexion with this subject, and, doubtless, he should be exposed to the wit and sarcasm of the noble Secretary for Foreign Affairs on this, as he was on a former occasion, for presuming to condemn an abortive system which cost the country 700,000*l.* a year. The noble Lord told him in a former debate that it was only persons who did not think very deeply that complained of expense. Applying the natural powers of his (Mr. Hutt's) mind to the consideration of the subject, he had come to the conclusion that extravagant expenditure in this country was a great evil. It was his firm conviction that if the destinies of this great country—the greatest and most civilised that ever existed—should wane; if ever her social fabric should be rent by the explosion of revolutionary violence, the catastrophe would be effected, not by the angry conflicts of party—not by the corrupting influence of the Crown—not by the inroads of democratic usurpation—but it would be brought about by confusion in our finances, and by a reckless disregard of expenditure. He hoped the noble Lord would excuse him for presuming to think that in the present state of the national

finances the country ought not to be subjected to the burden of 700,000*l.* a year to maintain an abortive system. The Amendment which was to be proposed, whilst it urged the propriety of maintaining the efficiency of the squadron, did, at the same time, say something about relieving the public from expense. Now, he would be very glad to hear from his hon. Friend some explanation of the mode in which the squadron was to be maintained in increased efficiency, whilst, at the same time, the country was to be gratified by paying considerably less for its support. It was not, however, solely on the ground of expense that he objected to the system. He objected to it on account of its futility. He objected to it on account of its cruelty. He objected to it because he disliked to see a great and noble country engaged in a conflict carried on by means so violent and, at the same time, so utterly inadequate to the end proposed, as to cut us off from the co-operation and sympathy of other States. He objected to it on account of the bad terms on which it placed the people of Brazil and the people of this country. And, finally, he objected to it on account of the angry feelings and menacing quarrels in which it frequently involved us with France and America—quarrels which, he feared, would soon again be revived. In his opinion, it was a sinister and spurious philanthropy which, for the sake of an abortive system directed to the suppression of the slave trade, would incur the risk of involving this country and the world in the guilt and the horrors of war. It was said that some plan—whence it was to proceed, or what was its outline, he knew not—was to be proposed for bringing this unfortunate business to a satisfactory conclusion. During the last twenty years this had uniformly been the story of those who were anxious to keep up the system. He had heard it so often that he no longer gave it any belief. When he first entered the House, eighteen years ago, it was stated, in a discussion which took place on the estimates, that, if the Government could only succeed in some negotiations which were then going on, the question would be settled at once. Subsequently the House was told that the equipment clause would settle the business. In the next place, it was to be done by instituting a stricter blockade on the coast of Africa. Then all hopes rested upon the operation of the combined fleets of England and France; and, finally, the

suppressionists made themselves quite certain of the attainment of their object by a most anomalous proceeding, by which the slavetraders of Brazil were made responsible to the municipal laws of England. In short, it was evident that we had been for years following an *ignis fatuus*, and now an attempt was to be made to take them in again with the old exploded story.

“Vain cozenage—’tis all a cheat,  
Yet, fooled by hope, men favour the deceit;  
Hope on, and trust to-morrow will repay—  
To-morrow’s falser than the former day,  
Lies more —.”

He now had done. He would not weary the House with any laboured peroration. He thought he had made out his case, and he appealed to the Members of that House, as guardians of the interests and prosperity of the country, as protectors of its honour and fame, as humane and Christian men, to pass condemnation on a cruel and delusive system, whose final doom was not distant, by supporting the Motion of which he had given notice.

Motion made, and Question proposed—

“That an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to direct that negotiations be forthwith entered into for the purpose of releasing this Country from all treaty engagements with Foreign States, for maintaining armed vessels on the coast of Africa to suppress the traffic in slaves.”

Mr. BAILLIE seconded the Motion. He believed that the grounds on which some of the West India body had supported the policy of the Government in the present case was, not that the squadron would suppress the slave trade, because experience had proved the contrary, but because they were of opinion that the effect was in no slight degree to raise the price of slaves. By raising the price of labour they enhanced the cost of the produce, and, therefore, those connected with the West Indies believed that by that means the competition which had been so unjustly brought to bear upon them would be rendered a little less injurious than otherwise. He did not wish to see that interest protected circuitously, in a manner that they would not do openly. The Committee of the last and the previous year was the means of getting together a large mass of valuable evidence which had been laid before the House and the country in a condensed form. All doubt and dissatisfaction were therefore dispelled, and not a shadow of pretext could exist for delay on the part of the Government in coming to some final decision as

to the course of policy the country ought to pursue with reference to the slave trade. The question had assumed a new character since the Legislature had passed the Sugar Bill of 1846. Before that time other countries might complain of the pertinacity with which the question had been thrust upon them, but they would at least admit that the policy of this country had been honest, straightforward, and disinterested. That was now at an end. By the Sugar Bill of 1846 it had been boldly declared by the Government of this country that they had paid enough for their philanthropy, and that they were for the future determined to purchase in the cheapest market, whether slave-grown or free, or whatever might be the results to the slave trade. No doubt that was a renunciation of the policy which the Government had hitherto pursued, and it would be his duty to point out that the consequence of that change of policy had been, that this country was the one which was at present deriving the greatest advantages from the slave trade, and that they had assumed all the responsibility and all the guilt that attached to the countries carrying on that abominable traffic. That they could not deny, unless they were prepared to deny that the receiver of stolen goods was not worse than the open and avowed thief. He confessed that he preferred the latter character, because he made war openly and boldly upon society; while the receiver kept up the appearance of respectability, and tempted others to crime, receiving a share of the plunder and the spoil, but avoiding the danger and risk; and that was precisely the character of the policy which this country had been pursuing with reference to the slave trade. It was well known that slaves were purchased upon the African coast with the goods of Manchester and Birmingham—with goods prepared expressly for that market. Again, many of the mines in the Brazils were stocked by British capital; and of late England had thrown open her market for all descriptions of slave-labour produce; nay more, she gave the best price for it. Could any one, then, deny that England was the country deriving the greatest advantage and profit from the slave trade? As all receivers of stolen goods did, England kept a shop to keep up the appearance of respectability—she kept a squadron on the coast of Africa in order to assume before the world an air of honour and philanthropy. The right hon Baronet the Member for Tamworth

did not deny the policy of Government with regard to sugar would increase the slave trade; and while he disapproved of the measure, he felt bound to give it his support because the Government had staked its existence upon it, and he did not feel justified in overturning the Government without seeing the probability of forming another in its stead. He had no wish to cast blame on the right hon. Gentleman. He thought in the circumstances in which he was placed he was justified in adopting that peculiar course; but he believed he would not have done so, even in such circumstances, if he was aware of the consequences that would result from that measure—if he was aware that it would double the slave trade, and raise the number exported from the African coast to the point it reached in 1805, when the slave trade was entirely free and unfettered. Before he proceeded he would state what was the policy of the late Government in reference to that question. It was well known that it was the policy of the Whig Government formerly to admit slave-grown sugars high and almost prohibitive duties—it meant those sugars the produce of countries which avowedly and openly carried on the slave trade, such as Cuba and the Brazils. That was ridiculed by the free-trade party of the day. It was said that that policy would never answer, although it was undoubtedly true that it had answered for a considerable time. Under the slave system the sugar trade of Cuba was nearly annihilated. A large number of the planters in that island were extremely anxious to get access to the British market, and a petition was addressed by one of the first mercantile houses there to the Spanish Government, praying for the abolition of the slave trade, and stating that access to the British market would amply compensate them for any loss they might otherwise sustain. The answer did not come from the Spanish Government, but from the British Government, and that was the throwing open the ports of this country to slave produce from all parts of the world. There were three distinct grounds put forward in the able and convincing speech of his hon. Friend the Member for Gateshead, upon which he thought the Motion ought to receive the support of that House: first, the almost unanimous opinion of all naval officers who had been employed upon the coast that it was impossible to suppress the slave trade by means of the squadron, or even if it was doubled;

secondly, the admission of all those who were employed upon the coast of Africa that the interference of our ships had caused a vast increase to the horrors and sufferings inflicted upon the unhappy victims of that trade; and, thirdly, as had been so well pointed out by his hon. Friend, the folly, not to say the absurdity of the Legislature maintaining a squadron on the coast of Africa at a great expense to the people of England, when at the same time by the Act of the Legislature they gave every facility to that scandalous trade, and rendered the efforts of the squadron perfectly unavailing. The first proposition had been clearly proved by the evidence of the chief naval officers; but there were two others, who, although they were not called before the Admiralty, gave their opinions in writing, and he should take the liberty of reading extracts from them to the House. He might observe that the Admiralty placed the greatest confidence in the judgment of these parties. Captain Chads, son of the present commander of the *Excellent* at Portsmouth, writing to the late Earl of Auckland, said as follows:—

“ Royal Naval College, Portsmouth,  
July 12, 1848.

“ My Lord—I regret much not having been able to appear before the Select Committee at the House of Commons, but as your Lordship desires to know my opinions on various points connected with the slave trade, I will endeavour to give them as concisely as possible. I am most fully of opinion that the system which we are now pursuing on the coast of Africa, without in the least diminishing the traffic in slaves, adds very considerably to its horrors. I do not think that any blockade, however strict, even if carried on with double the number of vessels composing the present squadron, could, under the existing system, stop the traffic. Possibly, were we able to make it felony universally, and to imprison or transport the persons found on board slave vessels, we might succeed to a great extent; though even then I doubt if we should stop it entirely.”

There was another letter from another distinguished officer, Commander Frederick William Horton, who said—

“ I feel convinced that the measures now in force on the coast of Africa add considerably to the misery endured by the slaves in their transit to the Brazils, from the generally wretched as well as crowded state of the vessels.”

He (Mr. Baillie) would not occupy the time of the House by reading these letters at further length, but they showed clearly the impossibility of stopping the slave trade by the squadron on the coast of Africa; and the evidence brought forward by his

hon. Friend the Member for Gateshead, on the subject, was quite sufficient. But as regarded the increased horrors of the trade, all the naval officers were agreed. Now, with regard to the evidence that had been given before the Committee, he would briefly call the attention of the House to one point. It seemed that one of the chief causes of the misery inflicted upon these unhappy people arose from the regulations existing, by which Her Majesty's ships were instructed to seize any vessels appearing on the coast, and fitted out with a greater number of water-casks than were necessary for the ordinary requirements of the crew. That was assumed as an intention on the part of the vessel to carry slaves. The result was, that the vessels engaged in the slave trade ceased to carry more water casks than were necessary to contain sufficient water for the crews, and relied upon getting a sufficient supply when they embarked the slaves on the coast of Africa. The evidence taken upon this point before the Committee was of a very striking character. He would more particularly refer to the evidence of Dr. Cliffe, who was extremely well acquainted with the subject, and was also a slave owner. This witness, in the course of his evidence, was asked—

“ If, then, you are aware, from historical knowledge and evidence, that such horrors existed when no British legislation interposed to prevent them, can you consistently attribute the present horrors of the slave trade to the existence of such British legislation?—Yes.

“ Will you be pleased to explain the last answer?—Because, in the olden time they never suffered from want of water; contagious diseases might have been produced on board from the imprudence of the captain, or from many other sources, but that wholesale murdering for want of water I believe never occurred then, or only in cases of imprudence on the part of the captain; that part of it is only historical, or from men who I have heard speak of it who have been engaged in it.

“ Are the slaves ever hurried on board with an insufficiency of water and other accommodations necessary for their subsistence?—Yes, that frequently occurs.

“ From what cause is it that a sufficiency of water for the voyage and of other provisions is not put on board?—A part of it arises from depending upon getting water in casks on the coast of Africa, because if found with them it would condemn the vessel in going out; sometimes it arises, perhaps, from the inability of getting casks; at other times from being hurried, in consequence of knowing, or perhaps seeing a cruiser in sight, they are obliged to cut and run at once.

“ Then the sufferings on board the slaves engendered by such circumstances are directly attributable to our attempts at suppressing the slave trade?—Entirely so.”



The statements of this witness were corroborated by those of all the naval officers, and had not been contradicted by other witnesses, that the state of things was such as had been described. It stood to reason that the contraband trade led to all these deaths. It was hardly necessary for him to waste the time of the House by showing how absurd it was in them to think of maintaining the squadron, when they had by their legislation done everything in their power to thwart the efforts of those ships. It might be all very well for the noble Lord at the head of the Government to come down year after year, and announce to the House that he had made a treaty with the Republic of the Equador for the suppression of the slave trade, that he had made a treaty with the Shah of Persia for the suppression of the slave trade, or that he had made a treaty with King Billy on the coast of Africa. Such announcements as these would doubtless, in days gone by, have created shouts of exultation and enthusiasm on the platform of Exeter Hall; but they were now altogether unsuited to the atmosphere of that House. He was willing to admit that the present Motion was a sad and melancholy result to all their labours, and he could deeply sympathise with those good, honest, and sincere men who had laboured long and zealously in a holy and a just cause. Among them he would name Lord Brougham, Lord Denman, Dr. Lushington, and many others, who had devoted their splendid talents and great abilities to wash out the dark and foul stain upon the civilisation of the age in which they lived. To such men it must have been a source of deep mortification to find that all their labours had been in vain. They had cast their bread upon the waters. The only result had been that they had been made instrumental in destroying the prosperity and well-being of their own colonies, while they had raised up the welfare and the splendour of those countries which had spurned their negotiations and their threats. It must be a source of great mortification to these men to find that the slave trade was in greater activity and energy than ever it had been, and that the number of slaves imported into those countries was actually greater than when they first commenced their labours. But if that be the sad and melancholy result, it would be at least the fit and appropriate result of that unjust and reckless policy, that the authors of it were now compelled by the force of circumstances which that policy

had produced, to announce and declare to the nations of the world that in England free trade was at length triumphant, and that the slave trade must proceed.

Mr. W. EVANS said, that he should not propose the Amendment of which he had given notice on this subject, in consequence of what had taken place that morning. He therefore should withdraw it, but in doing so, he wished to make a few observations on the Motion before the House. His hon. Friend who brought forward the Motion appeared to have brought forward a number of facts in support of it; but he (Mr. Evans) could not come to the same conclusion as his hon. Friend did. His hon. Friend said the squadron had no effect in preventing any portion of the slave trade and that every country got exactly the number of slaves it wanted, as if there was no squadron on the coast of Africa. Another conclusion his hon. Friend had come to was, that in consequence of the existence of the squadron the slaves were carried at a cheaper rate to the Brazils than they would be if there was no squadron. He (Mr. Evans) knew that the squadron had not done much, and he wished it had done a great deal more; but they must make allowances for the great difficulties and impediments in its way. Before 1835 they had no treaties to enable naval officers to seize vessels which were only prepared to take in slaves; but in 1839 an Act of Parliament was passed, which enabled the captains of our cruisers to make such seizures. The contrast between the number of vessels seized before and after that period was very remarkable. During the nine years ending in 1839, 166 vessels engaged in the slave trade were seized; while in the nine years ending 1848 not less than 687 vessels were captured. That was, they had taken about a vessel and a half a week on the average for that period. There surely must be some reason for this great difference between the two periods. He found also about 40,000 slaves were brought into Cuba in 1835, while in 1844 the number was 1,371, and in 1845 about 1,700. It appeared also that in the Brazils the number of slaves imported in 1837 was 94,000, but shortly after the Act passed, enabling the British squadron to seize vessels equipped for the traffic, the number was materially reduced, until in 1844 it was 14,244. He might be told that there was an increase in 1847, but he found that, for some reason or other, no

portion of the African squadron was on the coast of the Brazils in 1846, so that the care of the coast was left to the Brazilian fleet, which was not likely to render any very efficient aid to put down the slave trade. The inference he drew was, that, judging by what had already been done in the way of improvement, a great deal more might still be effected. He was not sanguine enough to suppose that so long as slavery existed as an institution in any part of the world, the slave traffic could be entirely prevented, yet he was of opinion that something might be done in the way of alleviating and mitigating its evils; and he maintained that slavetraders and pirates ought not to be permitted to ravage that vast extent of coast, and to rob and pillage undisturbed in those seas. Christianity was progressing, and freedom and civilisation were making some way in those parts, and not only these improvements would be destroyed by an unchecked trade in slaves, but all profitable and legitimate commerce in other commodities would be prevented. He must deny the proposition that there existed among the slaves more suffering than there would be if we had no squadron. He could find no authority for the allegation that there was 25 per cent loss attributable to the interference of the squadron, and he did not believe it. If Members would refer to the old books and papers relating to the slave ships trading direct to Bristol, prepared by order of the House, they would find that the loss upon the trade when carried on, not only without obstruction but under regulations, was 14 per cent. In those papers would be found descriptions of the manner in which the slaves were stowed away upon one deck over another. But without reference solely to the suppression of the slave trade, he would ask whether it would be right that the trade on the coast of Africa should be left without protection; and he was told that ten or twelve vessels at least would be required for that purpose only. An opinion had been expressed that large vessels were of no use as compared with small; two of the best cruisers known on the African coast, the *Fair Rosamond* and the *Black Joke*, were of the latter description. Another matter of minor importance requiring consideration was, that for the capture of a vessel just preparing to receive slaves, if there were none actually on board, the price was a mere trifle compared to what it was if the slaves were really embarked. The effect of this might be, that officers

were not quite so ready to prevent the embarkation of slaves as to capture the vessel after they were shipped. He felt it his duty to consider these things, and also to bear in mind what misery might ensue if the squadron were to be withdrawn, and we were now to refrain from all our efforts to do some good in promoting the cause of freedom and civilisation throughout the world. He advised the House, therefore, not to be in a hurry to decide upon this question of withdrawing the squadron. He could not make up his mind on any terms to do that without an efficient substitute being provided, and he hoped that the House would not consent to this Motion.

MR. LABOUCHERE said, he rose to address the House upon this occasion with feelings of great anxiety, for he could not divest his mind of the conviction that in the decision which the House might come to upon the subject before it were involved not only the sacred interests of charity, but the character and honour of the country itself. He was at least thankful to his hon. Friend who had brought forward this question for not having disguised from the House the nature of his real intentions, and the consequences which he anticipated to result from this Motion. The hon. Gentleman had told them distinctly that in calling upon them to determine that they should at once take measures to procure the withdrawal of the squadron which had hitherto watched the coast of Africa, and proposing no substitute whatever to check the slave trade, he wished them, the Commons of England, to announce to the world that henceforward, as far as they were concerned, the slave trade should prevail over every sea without let or hindrance—that they gave up the object for which they, and greater men than that House now contained, who had passed away, had struggled before them, as a romantic and impracticable object, and that from this time England at least would take no interest in the matter beyond that barren mockery of saying that we regretted it indeed, but that our influence should not weigh in the scale against it. However desirous the people of England might be for economy, he was sure that he represented their feelings and wishes when he said that they would not acquiesce in such a decision without the most mature consideration—without that House deliberately weighing all the consequences that must follow—without their examining in the

minutest manner every step which they took in this retrograding and degrading course. He said that if they agreed to this Motion he believed the people of England would, if not now, at no distant period, call them to a strict, and, he would add, well-merited account, for having so entirely misinterpreted their feelings and their wishes. He repeated, then, that there could be no doubt as to what the question before them really was; neither the hon. Gentleman who proposed nor the hon. Gentleman who seconded the Motion having disguised from the House what their opinion was, and neither having proposed any scheme as a substitute for this blockading squadron. And now he implored the House, at least before coming to the conclusion they were asked to arrive at, to weigh the evidence on which the Motion was based, and to consider the consequences that must ensue from its adoption. Sir C. Hotham had been called as a witness in support of this Motion; but he (Mr. Labouchere) must say that, if there were nothing else, the evidence of that gallant Gentleman would be sufficient to convince him of the impropriety of withdrawing that squadron; for no man had depicted in stronger language what he justly called the "degradation to this country" which must follow the adoption of such a course without finding some efficient substitute for the squadron; no one had depicted in a more faithful manner the horrors which must inevitably take place in that event, or had more thoroughly derided the idea that the evils of the middle passage were increased by the system at present existing. Now, upon the question of authority, the hon. Mover was very angry with his noble Friend at the head of the Government because he had stated a mere simple fact to the House, that the report of the Committee on which they were asked to come to this decision was carried by a bare majority—the casting vote of the Chairman. That was a simple fact, and, seeing how tenacious his hon. Friend was of alluding to what had occurred in a Committee of the House of Commons, he appeared to have treated with singular disregard the report of the Committee of the other House, which was conducted with great capacity and ability, and with somewhat more adherence to the subject before them, and less of discursive inquiry, than was exhibited by their own Committee. That Committee came to a perfectly opposite conclusion to the House of Commons' Com-

mittee; and without intending the slightest discourtesy, indeed, having the highest respect for all the Gentlemen who composed the small majority in the Commons' Committee, at the same time seeing that the minority also was most respectably composed, he thought that he was enabled to place the decision of the Lords' Committee against the single vote of his hon. Friend the Chairman of the Commons' Committee. So much for the question of authority, on which so much stress had been laid; but it was not upon the authority of this or that Committee that the House had to decide, but upon the facts laid before themselves, and upon their duty to the public and humanity. His hon. Friend the Member for Gateshead seemed to anticipate that from the Treasury bench he would be taunted with treating this question as a mere matter of economy. He could assure his hon. Friend that there should be no taunts from him (Mr. Labouchere) upon such a subject. They were bound, undoubtedly, to consider the large expenditure of this squadron, and whether it did effect the object of its establishment; but he trusted that he did not disregard economy when he stated that he did not believe the people of this country would, from that motive alone, consent to the withdrawal of the squadron from the African coast, and to relinquish their most cherished hopes with regard to the slave trade. This was not a question of mere pounds, shillings, and pence; and he must observe, too, that when his hon. Friend said 700,000*l.* a year would be saved if we abandoned the African squadron, he apprehended that he made that statement on the presumption that there was not to be an English ship of war in the African or American seas. He believed, however, if that course were to be adopted, that we should inflict the deepest injury upon a great, thriving, and increasing trade—most of it a legitimate trade—that was growing up with the native tribes of Africa, upon the fostering of which, in his opinion, was based the firmest reliance of the ultimate success of our undertaking for the abolition of the slave trade. Beset with difficulties though it was, he repeated, that on the improvement and spread of that trade were based his strongest hopes for the extinction of that trade which had so long existed in Africa, to the shame of the whole civilised world. Hon. Gentlemen who argued against the present system thought that they made

out their case at once when they said that the squadron had not succeeded in suppressing the slave trade; but nobody had ever expected that it would do so; and his opinion was, that alone, and unaccompanied by other measures, it never could nor would succeed. On the other hand, however, he believed it could be proved to demonstration that by the withdrawal of that squadron at the present moment, before other means had had time and opportunity to come into more full operation, they would at once throw open the ocean to the slave trade in all its horrors; at once replunge Africa into scenes of blood and horror, and extinguish every spark of civilisation and improvement which he trusted might by and by grow into a flame that would warm and enlighten that country. By the sudden withdrawal of the squadron all legitimate commerce in Africa would be destroyed; the slave trade would be increased to a horrible extent, and the consequence would be such a state of things as they should deplore when too late to retrace their steps, and when all they could do would be to lament the policy they had adopted. There was another point connected with this which had been adverted to by his hon. Friend who had last addressed the House, which was of so much importance that he must say a few words with respect to it; it was with regard to the diminution of the slave trade, occasioned by the presence of the squadron. [Mr. HURT: No, no!] Surely there could be no question that there had been a diminution in the slave trade. The difference in the price of slaves previous to the existence of the squadron and at the present time was enough to prove this. At Cuba, at the present moment, according to information he had received that morning, an adult male negro fetched about 100*l.*, whilst upon the African coast the cost was about 20*l.* He happened to know what, with free trade in slaves across the Atlantic, would be the cost of conveying the negro from the coast of Africa to Cuba, for he found that Messrs. Hodge and Lowe had lately contracted to convey free labourers from Sierra Leone to the West Indies for 6*l.* 1*s.* 10*d.* per head. Allowing, then, 6*l.* 10*s.* for the conveyance of the negro from the coast of Africa to Cuba, the price there would be, under a system of free trade, 26*l.* 10*s.*, instead of 100*l.* — a difference which showed the practical limit and restraint placed by that squadron upon the importation of slaves

from Africa. He thought it must be apparent, moreover, that the slave, thus diminished in value, would become the object of much less care than at present, and that the frightful practice called "using up" slaves would be carried out to a much greater extent than now. The consequence would be, he believed, that there would be a continual stream of slave labour between Africa, Cuba, and Brazil, and a frightful increase of torture and death in those countries. The price of a slave in Cuba, in 1821, was 100 dollars, or 20*l.*; in 1847 it was from 500 dollars to 625 dollars, or from 100*l.* to 125*l.*; and in 1848, about 400 dollars, or 80*l.* The price in Brazil, in 1821, was 100 dollars, or 20*l.*; and in 1847 it had risen to 250 dollars, or 50*l.* He thought, then, that any one had but to read those figures in order to at once dispose of the argument which he was surprised to have heard Gentlemen make use of so confidently, that the efforts of the squadron were altogether unavailing; that its presence did not prevent, in any degree whatever, slaves being sent across the Atlantic; that the slave trade was carried on just as if it was not there; and that its only effect was to add to the suffering of those that were sent. He had stated that he should be quite willing to rest his case upon the evidence of Sir C. Hotham on this subject, and he ventured now to draw the attention of the House to the evidence of that gallant Gentleman. When he was asked—

"To sum up the evidence which you have given upon the point — are the Committee to understand that it is your opinion that to withdraw the squadron without substituting some other plan for suppressing the slave trade, would be most injurious?"

Sir Charles replied—

"My opinion is, that to withdraw the squadron without offering a substitute, would be highly injurious to the honour of this great country, which has been embarked so long in this particular cause; I should regret to hear that the squadron had been ordered to withdraw, and nothing substituted in its place."

Then he was asked—

"In saying that it would be injurious to the honour of this great country, would you say that it would be injurious to the interests of this great country?"

Sir C. Hotham's answer was worthy of the high personal character of that distinguished officer. He said—

"In a case of that description, I apprehend that honour and interest would, to a certain extent, go together."



Again, he was asked—

“Are the Committee further to understand, that it is your opinion that without entering into a speculation for which you have not the data, as to whether the number of slaves exported from Africa would be increased or not, you feel convinced that the cruelty of the trade would be increased by the withdrawal of the squadron?—My opinion on that subject must of course only be speculative; but I am impressed with the idea that if the squadron were withdrawn, and the trade thrown open, a smaller description of vessels would be introduced, and that the slave would be carried across in a more economical manner, and, therefore that his sufferings would be increased.”

Under these circumstances he (Mr. Labouchere) certainly was surprised that his hon. Friend had brought forward the testimony of that gallant officer in favour of the immediate withdrawal of the African squadron, without seeming to care whether any other measures were adopted or not; and, though he had not the honour of the acquaintance of Sir C. Hotham, he thought from the language he had held, before the Lords' Committee especially, that he would most indignantly repudiate the use that had been made of his name. In his evidence before the Lords' Committee, Sir Charles Hotham used very similar language. He said—

“The slaves would have been much cheaper in Brazil; there would have been a greater number imported; and the horrors of the middle passage would have been very considerably increased by the fact of the slave merchants being inadequately provided with capital for the purpose; they would, therefore, have sailed in smaller vessels, and the trade would have been subjected to greater horrors.”

He now came to another portion of the subject, which contained facts that he thought deserved the most serious consideration of the House before they pledged themselves to the resolution of his hon. Friend. He alluded to what would be the effect of that House agreeing to it upon the fate and prospects of the people of Africa. There was no part of the subject upon which he felt a deeper conviction than that its effect must inevitably be, to replunge into the worst horrors of martyrdom and bloodshed that unfortunate people whom we were endeavouring to rescue from the evils they had so long endured, and to whom we were attempting, as far as we could, to atone for the unutterable injustice and cruelty which the white man had, for a period of 200 years, inflicted upon his black fellow-creature. He thought that the evidence upon this, taken before the Committees of the two Houses of Parliament was perfectly irresistible and over-

whelming; and he could not help briefly calling the attention of the House to what was actually going on at this moment in Africa, and suggesting the consideration, whether it was possible to have selected a worse or more inauspicious moment than the present for taking the proposed step. Some Gentlemen had referred with something like levity to the failure of the repeated attempts of the Government of this country to induce the native chiefs of Africa to use their authority and influence to put down slavery and the slave trade, and to give encouragement to lawful commerce. He believed that at this moment there was a fair prospect of a far greater degree of success in that respect than there had been for many years before. There was one part of the subject to which he wished to call the particular attention of the House—he meant the establishment of the republic of Liberia under President Roberts. He was sure that every one who had had the pleasure, as he (Mr. Labouchere) had had, of seeing that gentleman in this country, must have felt that it was a most fortunate thing that the destinies of that republic had been intrusted to so intelligent and able a person. At this moment that republic was not only establishing its own peaceful relations by means of treaties with neighbouring tribes, but was extending its territories, and replacing the slave trade by the occupations of commerce and industry. He believed, too, that in the course of the present month a commissioner had been instructed by his noble Friend the Foreign Secretary to visit the Court of Dahomey, and endeavour to negotiate the establishment of commercial relations, and for the suppression of the slave trade. He would also refer to the recent purchase of the Danish forts in Africa, which he believed would have a great effect in checking the slave trade as far as the Bight of Benin was concerned. He anticipated, indeed, that the whole coast from the north of Africa down to Whydah, would in a short time be rescued from the horrors of the slave trade. He must say, that while he hoped they would continue firmly to resist the sin of the slave trade, he looked beyond everything else to the gradual introduction of a system of legitimate and fair commerce, as affording the best chance of ultimately improving the habits of the people of Africa, and suppressing this abominable traffic. In connexion with this subject, he could not help remarking that the more they could dis-

courage the slave trade—the more hazardous, expensive, and difficult they made it, the more likely was it that the native chiefs would enter into arrangements with them to substitute legitimate commerce in its stead; for everybody who had paid attention to the course of affairs in Africa was aware how completely it was the fact that whenever there was a prospect of putting down the slave trade the native chiefs were quite ready to enter into treaties with us; but that whenever there was a prospect of the slave trade being carried on with success there was the greatest difficulty in negotiating with them in regard to commerce. He trusted and believed, then, that that House would express the determination of this country to maintain the squadron on the coast of Africa, not as the sole means of putting down the slave trade, but as the means without which all others, would in his opinion, be ineffectual; for it would be a mere mockery to say that if they withdrew the squadron they could ever hope to check that extensive and detestable traffic. He had now stated to the House what, in his opinion, would be the effect upon the slave trade, upon the system of slavery as carried on in Cuba and Brazil, and upon the interests and fortunes of the African race itself, if the resolution of his hon. Friend were carried. He would next venture shortly to call the attention of the House to the effect which it would necessarily have upon the condition of our sugar-growing colonies. He believed that, considering the present condition of those colonies, it would have been impossible to choose a more unfortunate time to bring forward this Resolution than that which had been selected by his hon. Friend. His hon. Friend proposed to enable the foreign rivals of our colonies to obtain an unlimited supply of slave labour, and that at a time when the great complaint of the colonists was that they found it exceedingly difficult to obtain at a reasonable cost a supply of labour for the cultivation of their estates. He hoped he might take it for granted that even that portion of the House which supported this Motion did not mean to allow the slave trade to be carried on by our own people—although he must, in passing, remark, that that if they altogether withdrew the squadron from the coast of Africa, and banished the British flag, so far as it was carried by Her Majesty's ships, from those seas, he feared that it would speedily be found that the

slave trade would be carried on, to no inconsiderable extent, not only by British capital, but that British ships, captains, and seamen would largely participate in that unhallowed traffic. He presumed, however, that it was not the intention of any Gentleman in that House to lead to that result, and that the House was too well aware of the crime involved in the slave trade, and the disgrace of that traffic, to permit any subject of the Queen to engage in it. He took it for granted that they did not intend to revive the slave trade in our colonies; and, when he said "slave trade," he meant that traffic under any disguise or pretence; because, if, under the name of emigration, they allowed English ships to go to Africa and purchase slaves to take to our colonies, he considered that that would be encouraging the slave trade almost as completely and directly as if they allowed the slaves to be carried across the Atlantic and sold for slaves in Cuba or Brazil. Supposing, then, that our own people were altogether prevented from engaging in the slave trade while it was left unchecked in the hands of their foreign rivals, the result would be that the cultivation of sugar in our colonies would be rendered impossible. He confessed that it was with some surprise he found the Motion seconded by a Gentleman connected with the West India interest. All he (Mr. Labouchere) could say was, that there was nothing which the colonists themselves had urged upon the House with greater earnestness than the duty of using the influence and power of England to limit, if they could not extinguish, the foreign slave trade. He must repeat, that he thought this a peculiarly unfortunate moment to bring forward this Motion, as he considered its inevitable effect would be to give a fatal blow to all chance of returning prosperity to those long-suffering colonies. He believed that they were at present in the course of revival, not equivocal or doubtful, but which, he trusted, would speedily lead to a cessation of that state of distress which he deplored as much as any man. He held in his hand an account of the quantities of colonial sugar that had been exported from the British West Indies during the last few years. He would only mention a few of the principal items. He would first take Jamaica. He found that the average quantity of sugar exported from Jamaica in 1845 and 1846 was 657,865 cwt., or 32,893 tons, while in 1847 and in 1848 the average quantity

was 689,208 cwt., or 34,460 tons, being an increase of 1,567 tons. With respect to British Guiana, he found that the average export in 1845 and 1846 was 23,685 tons, while in 1847 and 1848 it was 33,458 tons, being an increase of 9,773 tons. From Trinidad the increase of exports in the same period was 1,693 tons, and from Antigua 2,234 tons. There really, therefore, did exist a well-founded hope that the colonies would recover from the state of distress with which they had of late years been struggling, if we did not, by a measure such as was now proposed, interrupt them in the course they were pursuing. There was one other document connected with this subject which he was anxious to read to the House. It was an extract from the last annual report of Governor Barkly from British Guiana, which he believed had been laid upon the table of the House. This was what Governor Barkly said:—

“At the present moment, indeed, with reduced wages and increased prices of produce, sugar cultivation must again become remunerative, and for a time at least the abandonment of estates be arrested. While deeply deploring, therefore, the fate of those who have been ruined in the struggle, or who are left so irretrievably involved as to retain no prospect of extrication, I will not allow myself to despair of seeing the agriculture of this fertile colony placed on a sounder basis than it was possible for it to rest on at any previous period of its history, when its prosperity was founded either on slavery or on fiscal protection. . . . It is of course impossible to foretell with any precision the future prospects of agricultural operations thus dependent upon two circumstances, both so subject to the influence of a multitude of unforeseen and independent contingencies as the cost of labour and the value of sugar. It seems to me, however, unreasonable to doubt that sugar cultivation must in the long run be profitable in a country like this, where it is carried on with less labour, and therefore more cheaply, than in any other spot in the world.”

He would only ask the House, after hearing that statement, to consider what would be the inevitable effect upon the struggling colonies if, all at once, they were to alter their relations to their foreign competitors, and allow those competitors an unlimited supply of slave labour, thereby enormously increasing their products, and making it impossible to compete with them in the markets of the world? He really did not know that it was necessary to fatigue the House by entering at greater length upon this subject. He was saved the necessity of addressing some observations to the House which he should otherwise have felt it his duty to make, by the frank admis-

sions, or at least the absence of any work to the contrary, on the part of his hon. Friend who had brought forward the Motion, that he anticipated no other result to his Motion than the complete abandonment of the restrictions on the slave trade, and the revival of the traffic as part of the regular commerce of the world. He (Mr. Labouchere) owned he was somewhat surprised at his hon. Friend's illustration of his meaning by reference to the commerce in tobacco or silk. This was not a question of bales of silk or of tobacco, but a question relating to human beings, and therefore beyond the ordinary rules of commerce; and that was a complete answer to the arguments of his hon. Friend upon that subject. Upon these grounds he earnestly called upon the House not to agree to the Motion of his hon. Friend. In asking this, he did not ask them to affirm that for an indefinite period the squadron should be maintained as part of the establishment of this country. Gentlemen might entertain more or less sanguine views as to the period when they would be justified in diminishing, or even discontinuing the squadron. That was another question. But he knew that if he entertained the idea that the squadron was more ineffectual than it was for the purpose for which it was intended, he would not agree to its withdrawal unless he were also decidedly of opinion that the time was come when the House should abandon every hope of putting down the traffic in slaves. He did not know if any Gentleman was sanguine enough to believe that the slave trade could be repressed by any other means. If so, he ought to suggest them to the House. The Government had no abstract preference for the slave-trade squadron. He might observe, however, that if ever there had been a policy which was not the policy of an Administration, of this or of that Government, but the policy of the people of England, it was this. When he said this, however, he did not wish to shelter himself, or the Government with which he was connected, under that plea. On the contrary, he said, with pride, that they had entered upon this policy, not as mere passive agents, carrying out views which had been forced upon them, but because they heartily participated in these views, and because they thought that England would have been disgraced in the face of the world—that they would have been deserting their duty to God and man—if they had not used the

influence of the high station they possessed among the nations of the world, and exercised their power by every legitimate means to put down this accursed traffic. With these views, he called upon the House not to agree to the Motion.

MR. GRANTLEY BERKELEY could not help stating, when one hon. Gentleman alluded to the great good which might be done by the reduction of the size of the vessels, that he (Mr. G. Berkeley) had been in correspondence with a person connected with this question, and intimately connected with Africa, and he stated that there were steam slavers employed on the African coast that set at defiance sailing vessels, and were capable of carrying from 1,400 to 2,000 men; and if they carried their trade on the coast of Africa to a greater extent than ever—as to another remark of the hon. Member, when he proposed that rewards should be given to those who captured steam vessels—he would give a recommendation not to throw good money after bad. They had done too much already. They had already paid 20,000,000*l.* to put down that which the acts of the Government went to confirm. He maintained that the slave trade was at this moment more rife than ever; that it was carried on under greater hardships to the negro population; and although the African squadron did capture some slavers, it did in no way tend to put down the traffic in slaves. As to the increased price, that did not show that the increase of price depended on the efforts of the African squadron; but it showed that monopoly was given to the slaveowner by the present state of affairs, and that the British grower could not produce sugar and compete with the slave-cultivated districts. When the right hon. Gentleman the President of the Board of Trade also said that the people would not consent, from motives of economy, to see the African squadron withdrawn, he asked him what had induced the Government to admit African produce to this country but mere motives of economy? Did he not know that the answer to those who said that the West Indies were sacrificed was this—you cannot expect that we will join you in an attempt to exclude the produce of other countries, because we get our produce so much cheaper? He also found that the right hon. Gentleman who had last spoken admitted that the African squadron was ineffective; he admitted it did not put down slavery; then he (Mr. G. Berkeley)

asked, in times like these, when the smallest saving, if possible, ought to be made for this country, for what reason there should be a squadron on the coast of Africa, which he acknowledged to be so ineffective? A correspondence had passed between himself and the head of the Colonial Department as regarded the admission of Africans from the free coast of Africa. At that time every stumbling-block was thrown by Government to prevent the influx of free labour, and they refused applicants for free labourers, unless they came by the coast of Sierra Leone. But, then, the right hon. Gentleman assumed that if the British squadron were withdrawn, the British planters would carry on the slave trade.

MR. LABOUCHERE explained. He had not made the slightest allusion to the West Indian planters. He only said that British capital might be found engaged in the traffic.

MR. G. BERKELEY: He was glad to hear that explanation. He maintained that the most effectual, the most religious, and the most moral way for putting an end to the slave trade, was by refusing admission to slave produce. It struck him that when they abolished slavery in the English dominions, they should have seen that the Spanish Government did not depart from the bargain they had made; that they should keep to the treaties made with this Government, for the Spanish Government appeared to enter into the question of the entire abolition of slavery, whereas they were still flourishing by the effect of the slave trade. All accounts which were received from British Guiana were in opposition to the right hon. Gentleman's observations. Every respectable man had deserted colonial legislation, the country was in a state of devastation, the clergy were not paid, the chapels were deserted, and in many places the people were retrograding to a state of barbarism. If he was not right in making this statement, if he was not borne out by the fact, there was an hon. Gentleman in this country lately returned from that colony, who had made an inspection of it, and he was certain that the hon. Member for Lynn would bear him out in the statement he had made. Under these circumstances, he should cordially support the Motion. He saw that the African squadron, whilst it was costing this country an immense sum, was totally and inadequately ineffective for the service over which it had been placed,



and under these circumstances he was certain that the House could do no wrong, morally or religiously, but would do good, the more they were guided by this Motion.

SIR G. BROOKE PECHELL trusted that the House would not sanction a resolution directly calculated to degrade this country in the eyes of the civilised world. The evil had been, not the existence of the squadron, but the inadequacy of the means supplied to the Foreign Secretary by the various Boards of Admiralty for carrying out the views which, with so much ability, he had impressed upon that House from time to time. There had been continued difficulties and delays in the way of the noble Lord, what with the inferior description of vessels sent on the station, the want of efficient treaties with Spain and with Brazil, and that letter of the Earl of Aberdeen on the barracoons which gave such encouragement to the Brazilian slave trade, and paralysed the efforts of our officers. Our efforts had from these causes failed to be quite successful; we had, however, done a large amount of good, and prevented a large number of slaves from being sent to the Brazils and to the Spanish colonies, who would otherwise have been carried there. The useless 10-gun brigs had, after a long contest with the Admiralty, been done away with, and steamers and a better class of cruisers had been put on the station in their place. But these steamers were still inadequate to the great object in view, for those vessels only were sent to the African coast which were unfit for general service anywhere else. A steamer, for example, that was complained of at Portsmouth or Plymouth was sent off to the African station to be out of the way of further criticism and censure. This would not do. There must be a superior class of vessels put on that station, and he was quite willing that for this purpose the fleet in the Mediterranean or that at Lisbon should be reduced. He remembered on one occasion the hon. Member for Newcastle-under-Lyne thumped the red box on the table very vehemently about the legitimate trade with the west coast of Africa being interfered with by the squadron there: remove that squadron, and what would become of your legitimate trade? Why, Mr. Hutton in his evidence before a Committee of the House of Lords, stated that if the squadron was withdrawn, his factories would all be inevitably destroyed. The twenty-four vessels now on the station were not more than

sufficient for the protection of our trade there, and were certainly the only means of operating upon the native chiefs, who, the moment they thought us lukewarm or insincere in the matter, would carry on the slave trade with tenfold energy. It was the moral influence of our squadron that kept matters in order at present, and repressed those acts of piracy which otherwise would constantly occur. It was not the fact, as stated, that the naval officers on the station advised the withdrawal of the squadron. Sir Charles Hotham and Captain Matson, officers of great distinction, had given evidence quite the other way. It had been said, too, that you could not keep up an effectual blockade of the coast because there were 1,200 miles of water communication inland between Cape St. Paul and Loando, by rivers and lagoons, which enabled the slavedealer to remove his slaves from one point to another, unperceived by the preventive squadron. But it had been proved that the water communication in question extended, not 1,200 miles, but only 200. He thought there was considerable doubt as to the value of the report and of some of the evidence given before the Committee of the hon. Member for Gateshead. The hon. Gentleman was exceedingly shy of admitting naval Members on the Committee, and had objected, as pointedly as possible, to his (Sir G. Pechell's) nomination as a Member of the Committee. They succeeded, however, in getting the hon. and gallant Member for Launceston upon the Committee, and by his means some light was thrown upon the subject. He (Sir G. Pechell) believed that if the several departments of the Government supported the noble Secretary for Foreign Affairs as they ought to do, the efforts of the squadron to put down the slave trade on the African coast might be rendered much more efficient. He hoped, however, that this country would never descend from the high position it had so long maintained with reference to this subject, and he would give his cordial support to the Government in opposing the Motion.

MR. ANSTEY said, the hon. and gallant Member who spoke last had addressed himself to the question of the interests of a particular class, to which he himself belonged. He (Mr. Anstey) did not think the interest of that class was the matter immediately in question; but, if he had turned his attention to that point alone, his vote would still have

been given, as it would be given, for the Motion of the hon. Member for Gateshead. He was of opinion that the interest of the naval service was not the matter at issue on the present occasion. But even upon that point alone he should be prepared to give his support to the Motion. He thought it was a hard and painful thing to place gallant and worthy officers in a position of so much difficulty as that in which those were placed who, in the performance of certain fancied duties, were called upon under the treaties, the abrogation of which he desired, to promote the pacification of Africa by making war against all the rest of the world. He maintained that the officers whom we sent to the coast of Africa with instructions from the Foreign Office for the suppression of the slave trade, had before them only two alternatives — they must either do nothing, or violate the law of nations. The treaties we had concluded with foreign powers for the attainment of this utopian object could not even approximate towards performance, unless those who had to carry them into effect made up their minds to sacrifice every other consideration to that end. The noble Lord the Secretary for Foreign Affairs, who above all others had distinguished himself by his endeavours to carry those engagements into effect, had in the course of his career issued instructions some of which had long ago been revoked by himself or his predecessors, others of which were in full power, but all of which were equally opposed to the law of this country and the law of nations. Consequently we found that our officers, as in the case of Captain Denman, for obeying these instructions, were crippled by actions and prosecutions of every kind at the suit of those who were thereby injured. [An Hon. MEMBER: Not now.] Not now! Why, it was but last year that the Hon. Captain Denman, himself, in giving evidence before the Committee of the House of Lords, upon being asked his opinion as to what was the main obstacle to the full execution of those great purposes, mentioned, amongst other causes, the uncertain state of the law, or rather the too great certainty of conflict between the law of this country and the instructions which, as a naval officer, it was nevertheless his duty to obey. With singular fanaticism, however, when he was asked how he proposed to get rid of the difficulty, he answered that it was the duty of the Legislature to pass without delay a Bill of Indemnity of the

past, and of absolute licence for the future. That, in the judgment of that officer, was a condition *sine qua non* to an effectual blockade of the coast of Africa, with a view to the suppression of the slave trade. He thought it unnecessary to comment on so monstrous a project, but he thought it a very strong argument against the present system that it could not be carried into effect without exposing the instruments we employed to punishment for the offences of our Government, unless we took the course of giving them absolute indulgence beforehand for any crimes which they think fit to commit. We should rather bear in mind the great and memorable words of Lord Stowell, quoted in the despatch of the Earl of Aberdeen, that—

“A nation is not justified in assuming rights which do not belong to her, merely because she intends to employ them for a laudable purpose; and that no great end, no eminent good, can be lawfully or rightfully prosecuted by unrighteous means.”

This was the authority which Lord Aberdeen cited when he informed the Admiralty in a despatch that our officers could not, without making themselves liable to criminal prosecutions for murder and felony in one court of justice, or to actions for damages in another, obey the instruction under which, nevertheless, they had been acting for years past. Accordingly, on the 21st of March, 1842, the Earl of Aberdeen found himself compelled to subject this country to the humiliation of doing justice to a merchant whose property had been taken—illegally taken—under these instructions, by an officer in our Navy, Captain Nurse, in a case which was not covered by treaties, though abundantly covered by the instructions of the Foreign Office; a case in which Captain Nurse had been doing his best to obey those instructions and prevent the embarkation of slaves; a case in which, if Captain Nurse had not obeyed these instructions, he would have been liable to be tried for mutiny, and for disobedience of the orders of his superiors. In that case the Earl of Aberdeen was compelled to come forward and screen Captain Nurse, by exhibiting this country in the light of a wrong-doer, and by submitting to pay, in the name of that wrong-doer, compensation to the person wronged. He wished he could add that the merchant thus indemnified was a Brazilian, or a Portuguese, or the subject of some other third-rate Power. He was sorry to say, however, that he was the subject of a first-rate Power, France; and that nowhere in

the blue book could he discover a similar instance of compensation for wrong done to a subject of Brazil or Portugal. On the 21st of May, 1842, the Earl of Aberdeen acquainted the Admiralty with the opinion given by the Queen's Advocate, that the instructions issued to our naval officers violated the law of nations. [The hon. Member read several extracts from the despatch to which he had alluded, to show that the Earl of Aberdeen, in the communication he had made to the Admiralty, had acted in conformity with the opinion of the law officers of the Crown.] He (Mr. Anstey) greatly feared that the principles laid down in that despatch, to which he had before referred, had not since been acted upon. The hon. and gallant Member for Brighton had referred to a method of evasion of international law which had been practised very extensively by the system of treaties, as he called them, with the African chiefs. In the last report of the Lords laid before the House, the form of those so-called treaties was given; under which our officers were empowered to land within territory that did not belong to the Queen nor to any Power at war with Her Majesty. There was one general form, and a copy of it was presented to every man who called himself a chief upon the coast of Africa, by the officer in command of our ships. These papers were given to persons who could not read or understand them, whose business it was to sign them however; and to insure their signatures he would tell the House what formed an integral part of the transaction. Mr. Moffatt, the purser of the *Albert* steamer, employed in the Niger expedition, stated that at the end of each, was a paragraph to this effect—

“And in consideration of the signature of this treaty the Queen of Great Britain, in the presence of Almighty God, makes the following presents—one pair of boots, one shirt,”

and a variety of other articles, chiefly of dress—sometimes firearms, which are always particularised, and which are delivered on the black chieftain putting his mark to the treaty. And under this treaty the officer felt himself at perfect liberty—protected by the law of nations—to land and do his pleasure! He did not know whether foreign Powers, whose subjects were damnified by these proceedings would hold themselves precluded from demanding satisfaction from the British Crown; and however the remonstrances of Brazil or Portugal might be disregarded, undoubtedly they would be listened to in the case

of more powerful States. In a paper laid before Parliament, Brazil was returned as one of the Powers having treaties with this country; but the fact was, that with respect to Brazil, our treaty expired some years since, and in order to give a colourable pretext for continuing our coercive measures, we were obliged to resort to the mean subterfuge of an Act of Parliament. As to the injustice of those measures, he was not obliged to rest on his own opinion, the matter had been examined into and adjudicated upon in the courts of this country. They had decided that our capture of a Brazilian ship, without any sanction by treaty, and under the fanciful doctrine that the slave trade was piracy was not lawful, and that those who rose upon their captives and threw them into the sea did no more than their duty to their country, and were not guilty of murder; and he (Mr. Anstey) knew that immediately after that decision of the case of “the *Queen v. Serra*,” Lord Chief Justice Wilde stated it as his deliberate opinion that the Act of Parliament passed for making prize of Brazilian ships must now be taken to be null, and should be wiped from the Statute-book. From this instance the House might form some judgment of the rest. The case of one was the case of all, only we allowed the stronger offenders to go unmolested, while we bullied and coerced the weak. He had it from our gallant officers themselves that the strongest objection they had to the blockade service was the discrimination they were obliged to exercise between the vessels of smaller and greater Powers, being constantly taunted with those distinctions. They were frequently told, for instance, that they dared not touch a French ship, such, in fact, being part of their instructions. But the hon. Member for Gateshead did not ask the House to set treaties at naught, he merely asked them to address the Crown to see whether arrangements could not be made with other Powers to set all free. We had hitherto borne the chief cost, and therefore our experience should give force to our suggestions. We had squandered 1,000,000*l.* a year, and increased the slave trade, trebled and quadrupled the mortality, and, in nine years, captured 38,000 slaves, already decimated by disease brought upon them by our blockade system. Out of the 38,000, no less than 3,941, or more than 10 per cent, died before they could be set free. They had the evidence both of their own officers and of

slavers concurring in this, that before 1830, when the capture of the slavers first began, the slave trade had been conducted by the Brazilians with great humanity. Lord Howden declared that the Brazilians were not naturally cruel, and Mr. Cliffe, himself a slavetrader, in his evidence, stated that before 1830 the number of slaves who died on the voyage did not exceed three per cent. Now, on the contrary, the mortality from the period of shipment to that of disembarkation or capture was little less than 40 per cent. There was also proof that the slave trade to the Brazils was nearly exhausted at the time that this country took off the duty on slave-grown sugar, and that it had been on the increase ever since. Notwithstanding all the vigilance used by the British cruisers, stimulated as they were by the hope of head money, so vast had been the increase in the importation of slaves to Brazil in consequence of the stimulus thus given to the cultivation of sugar, that the supply not only met the increased demand, but actually anticipated the demand, so that the prices of slaves were now less than before the demand began. This was proved by Lord Howden; and the only evidence of a contrary tendency was that of Mr. Cliffe, who however stated that he knew little about the state of the sugar market in Brazil. The question for the House now to decide was, whether they were to persevere with measures which had been proved to be faulty and fruitless, or were they to adopt other measures, and if so, what measures? Were they to repeal the Act of Parliament which had stimulated an increased trade in slaves—he meant the Sugar Duties Act? Humanity might demand it, but economy said no. Well, then, our squadron being admitted to be inoperative in the capture of slaves, were we to discontinue it? Economy said yes, but humanity said no. Thus the question was constantly shifted from economy to humanity, and from humanity back to economy, like the pea under the thimble at the fair. How long would they halt between humanity and economy? If he were called upon to state his theory, he thought it would reconcile them; but how did many hon. Members on their theory propose to relieve themselves from the anomaly? Let them now support the Motion of the hon. Member for Gateshead. He admitted that by doing so, they would not have got rid of the difficulty of considering the question, but one thing they would have decided.

They would have determined to commit no more follies such as they had committed in times past, no violations of international or municipal law, no more crime in their own persons to be punished in the persons of their comparatively innocent subordinates.

SIR R. H. INGLIS said, that the hon. and learned Gentleman who had just sat down, asked, would they repeal the Sugar Duties Act, or would they not? He (Sir R. Inglis's) answer was, that he would cordially concur in any proposition which would have that effect. The hon. and learned Gentleman had next asked, what would they do with the squadron? His only reply was equally decided. He would maintain the squadron. However he (Sir R. Inglis) and his friends might differ from Her Majesty's Ministers on their unhappy measure in relation to the sugars of slavetrading countries, he at least would cordially support them in regard to the squadron. For he could never forget that the cause of Christian humanity—he would not desecrate the subject by using a lower term—with respect to the slave trade had always found consistent and powerful advocates in the party represented by the noble Lord at the head of the Government. He grieved when he thought that there had been such a deviation from their true principle; and that the slave trade, which should never be directly or indirectly encouraged, had been—against all warning and all remonstrance—promoted, though not in name recognised, when the noble Lord permitted himself to sanction the introduction of the Sugar Duties Bill. This was on one side of the Atlantic; on the other side, in Africa—if England had fulfilled her obligations to the black chiefs, as they had been prepared to do with respect to their share of the treaties, much mischief would have been avoided. The hon. Member for Gateshead had this year raised the number of his men in buckram. Not content with the sum of 700,000*l.*, which at one time had been stated as the cost of our blockade, he now made it 1,000,000*l.* sterling. The papers laid before the House, however, which he held in his hand, showed that the expenditure of the squadron in the year 1846-47 was not 700,000*l.*, nor 500,000*l.*, but 301,623*l.*, and that included wear and tear of machinery, coals, wages, &c. Sir Charles Hotham had shown that ten or twelve ships were necessary to protect the lawful traffic of the coast; and the utmost expense to be incurred in sustain-



ing the blockading squadron was the relative cost of the support of ten, twelve, or twenty-four ships. The number of captures had been immensely greater than could be collected from the speeches of the Mover and Seconder of the Motion to have been the case. From the year 1830 to 1838 there were only 166 slavers taken; but in the ten succeeding years when the equipment clauses and the new right of search had come into operation, the number taken was 625. Was it nothing, too, to have put a stop almost entirely to the introduction of slaves into Cuba? 40,000 was the usual number of slaves imported every year into that island; according to the latest accounts, the number did not exceed 1,500. Besides the horrors of the middle passage were in a great degree saved by the exertions of the squadron, for of the 625 vessels captured, 450 had been taken close to the shore; and this led him to mention what was a great modern improvement in the blockade, that the ships were stationed as close to the shore as possible. They must likewise consider, in combating the slave trade, the effects of the gradual progress of civilisation, of commerce, and, what was of far more importance than either, of Christianity. He would remind the House of the petition which the First Minister of the Crown had had the honour—for in any position it was an honour—to present such a petition from liberated Africans residing in Sierra Leone; and he would ask hon. Gentlemen to consider the statements contained in that petition before they voted for the Motion of the hon. Member for Gateshead. It stated that they had been emancipated from slavery in consequence of their capture by British cruisers, or that they were the immediate descendants of persons who had been so emancipated—that they had relations who were exposed to the same risk of slavery or murder as they themselves had been, and they humbly expressed a hope that the House would examine some of them, or would take other means of inquiry before they withdrew the squadron which so protected lawful traders, which so repressed the unlawful traffic of which they and their people had been the victims, and which enabled them to continue in their present condition, free from those dangers to which the withdrawal of the squadron would expose them; and they added, that if that protection were continued to them, civilisation would arise and spread amongst them. There

was now arising in the West Indies one of the most remarkable movements which had ever taken place. It was called the Jamaica movement, because it had originated in Jamaica; other islands had followed in the same course, and its object was to obtain protection against the competition with slave-grown sugar. They said whether it were right or wrong to compel men to part with their property, England had compelled them to part with it, but upon the distinct understanding that they were thereafter to compete with free labour only. They owed it, therefore, not only to the injured race of Africa, but to their own fellow subjects—the white men of the West Indies—not to give any direct or indirect encouragement to the slave trade; nor would they do their duty if they did not do all in their power to repress it. With those who were free-traders in everything, including the traffic in human flesh, he could have no sympathy whatever; but he earnestly appealed to all those who were not tainted with that heresy, to reconsider well their judgment before they lent their sanction to proceedings involving a degree of misery beyond the ordinary power of man to conceive. If it were said that we had increased the horrors of the traffic, all he could say was, that the horrors which existed before the slave trade was finally abolished, which existed even when the slave trade was legalised and protected—he referred to the years following Sir W. Dolben's Act—were such as he believed no measure of iniquity could aggravate at the present day. The hon. Member who opened this subject referred—let him (Sir R. Inglis) say it without offence—in a grandiloquent tone to the reports of two Committees, as authorising and sanctioning his present Motion. He apprehended there was no Member who had not previously read those reports and the proceedings which led to them, who would not have supposed that the hon. Member for Gateshead was the representative, if not of a unanimous Committee, at least of a Committee in which the great preponderance was in favour of his views. But what was the fact? In consequence of the improvements made in the mode of conducting their proceedings by the hon. Member for Dumfries, all that passed in Committees was now matter of history. If the subject were not too serious, it would be almost ludicrous to read to the House the number of resolutions carried by the casting vote of the chairman. They had often heard of Mr. Hus-

kisson's Committee and of Mr. Horner's Committee, because those Committees were presided over by Mr. Huskisson and Mr. Horner. But this Committee might very properly be called Mr. Hutt's Committee, in a very different sense, because it represented his single opinion. If Mr. Hutt had never existed—a contingency which he should have deeply regretted—no report whatever would ever have been made. First, there was the resolution of the hon. Member for South Essex negatived by the casting vote of the chairman; then the resolution of himself (Sir R. Inglis); then the resolution of the hon. Member for Pontefract; then the resolution of the hon. Member for Launceston; all these resolutions were negatived by the casting vote of the chairman. Then came the resolution of the hon. Member for Liverpool, which shared the same fate, as well as another resolution of his own (Sir R. Inglis). He did not therefore, exaggerate the facts, when he described the report as emphatically and exclusively Mr. Hutt's Report. The hon. Member had deprecated the efforts of newspaper writers and scribblers in pamphlets, but he really could not conceive what reason he could possibly have to complain of their exertions. Others, indeed, might perhaps urge such complaints—his noble Friend at the head of the Government, for instance; and those who from either side of the House supported the squadron; but the hon. Member for Gateshead had been untouched by any censure. He knew great efforts had been made to depreciate the efforts of the squadron, and unhappily with too much success. In his conscience he believed that the squadron had been doing, and, if permitted, would still do, increasing good in the cause of Christian humanity. He believed, with equal conviction, that it would be inconsistent alike with the national honour, with the duties which this country owed to the Africans, and to her own subjects in the West Indies—inconsistent with all her past engagements with the rest of Europe, to withdraw her squadron—and he, therefore, earnestly implored the House to consider well all the consequences of the Motion, before they gave it their sanction.

LORD H. VANE said, the hon. Baronet who had just sat down had alluded to the two Committees over which his hon. Friend the Member for Gateshead had presided, but it should be recollected that though technically not the same Committee, they were both, in point of fact, to be regarded

as one Committee; and that, on the second occasion, two Members of the Committee were absent, whose opinions were well known to be favourable to the views of his hon. Friend on this question. Therefore it was not quite fair to regard the resolutions alluded to as having been carried by the casting vote of his hon. Friend alone. With regard to the Motion before the House, he was far from entertaining the belief that economy alone was to be taken into consideration on this occasion. But he could not shut his eyes to the long series of years during which this country had endeavoured to effect a suppression of the slave trade, or to the multiplicity of treaties into which they had entered with that object in view. Nothing less than a settled conviction of the importance of this question could have induced him to accede to a Motion which he could not conceal from himself went to set aside the policy which for many years had been adopted by this country. But, looking to the effect of the treaties which had been made with Spain, Portugal, and Brazil, which last had come to an end, and was only maintained now by force of an Act of Parliament, it was with deep regret he was obliged to confess that these treaties had proved wholly inoperative. It was said that the system pursued by Captain Denman on the coast of Africa had been effectual in causing a falling off in the importation of slaves; but they had the evidence of Mr. Bandinel, late of the Foreign Office, to show that the success of the blockade was in a principal degree owing to the conduct of the Brazilian Government, who at that time used their best efforts to discourage the trade. The same remark applied with regard to Cuba. The hon. Baronet who last addressed the House stated, that at one time no fewer than 40,000 slaves were imported into Cuba, and that latterly very few slaves had been imported. That was very true; but it was also true that General Valdez, who was governor of Cuba at the time the importation fell off, had given his co-operation in the suppression of the traffic. But, indeed, it was stated that the trade was regulated by the demand rather than by any government regulations. Where there was a demand for slaves, there the trade flourished in extreme vigour; when the sugar cultivation was in a depressed state, then there was a great falling off. In 1846 and 1847 there was a great demand for slaves; and it appeared to him, from the evidence,

though, no doubt, there were conflicting opinions, as was natural among persons entertaining different views, of different pursuits, and summoned for different objects; but still he thought they had it in evidence, that the number of slaves imported was exactly in accordance with the demand. He was ready to admit that, under any circumstances, the squadron on the coast of Africa must, to a certain extent, be kept up; but he thought the evidence of Sir Charles Hotham went to show, that the efforts of the squadron off the coast of Africa could not suppress the slave trade; that when it appeared to be suppressed for a time in a certain district, it broke out again in another; that, for instance, it had broken out to the north-west of Cape Palmas, where it was said before to have been entirely extinguished. And it was further worthy of consideration, that the officers who despaired of the slave trade being suppressed, were those officers who had been recently on the station; and that those who, like Captain Denman, were in favour of retaining the squadron, had not themselves been on the coast for some time before. They had evidence that certain slavers from the western coast of Africa had been captured off the bay of Mozambique, thus proving that to render the blockade effective, they must not only blockade the west, but also the east coast of Africa. If, indeed, they were prepared to make efforts on that gigantic scale, then, indeed, they might continue their efforts; but it was because he believed they could not make efforts of sufficient magnitude, or continue them for a sufficient time, that he was opposed to the continuance of the system. They were then asked what they intended to do. No doubt it was a matter of extreme difficulty to say what they intended to propose as a substitute for the present system. But he believed that in Brazil great apprehensions were entertained of an influx of slaves proving dangerous to the peace of the country. He knew that contrary opinions were entertained. Lord Howden said, that though he entertained that opinion before he went out, yet his opinion was a little shaken after his residence in the country. Still it would be observed that the noble Lord did not decidedly negative his first opinion. And he (Lord H. Vane) could state that he had been informed by a gentleman engaged in the Portuguese diplomatic service, and long resident at various ports in Brazil, that the Brazilians

must in a short time abandon slavery for a regard to their own safety, and that he believed the black population would, in the end, become lords and masters of the country. He would not detain the House further; but having been a Member of the Committee which sat on the question, he thought it necessary to justify the vote which was about to give—a vote which he gave with a deep sense of its importance, in which he certainly gave with the utmost reluctance.

MR. CARDWELL entirely concurred with the noble Lord who had just sat down that they were now considering the great question—should they or should they not at once and for all abandon the policy to which they were so deeply committed. He watched, in the Committee which sat on this subject, the painful and conscientious attention which the noble Lord gave to the evidence, and he deeply regretted the conclusion to which it had brought him. He deeply regretted to share with the noble Lord the despair which must now descend upon the prospects of the African race if the supporting and civilising influences of this great empire were now to be withdrawn from them. The noble Lord said that he despaired, because he believed that it was impossible for us to continue our efforts. As a Member of the Committee, he (Mr. Cardwell) felt that Her Majesty's Government would find it a task of great difficulty to continue their efforts if conclusions lightly come to by a Committee of the House of Commons were to encourage opposition in Cuba and Brazil, to discourage their friends in America and in France, and to have a tendency to paralyse their efforts in the House of Commons, and to circulate in the public mind a belief that no mischief would be done by the squadron being withdrawn. At that late hour he would not trespass upon the attention of the House by going into details on this question; but he thought it right to read one or two extracts to the House. He conceived that a complete analysis of the testimony given on this subject—on which, after all, their proceedings must now be based—he greatly deceived himself if a fair and complete analysis of this testimony would not stand out in striking contrast to the conclusions which had been attempted to be instilled into the public mind, and, if he might say it without offence to those who had spoken, in striking contrast to the speeches of several hon. Members. They were told that the operations of the squadron had been

futile. Now the evidence was unanimous upon this opinion that the squadron had vast difficulties to struggle with; but if it was meant to say that that squadron had done no good or little good, and if he could show that the evidence which had been given completely negated that opinion—if it were said that the cruelties were aggravated by the present system, and if he could show that the evidence on which that rested was not substantiated—if he were told that the maintenance of the squadron cost an enormous expense, and if he could show by the evidence of the great naval authorities to which the other side appealed, that to abandon efforts for the repression of the slave trade would not be to abandon the expense of maintaining a squadron—if he could show all this by the strong evidence of facts, then he cut the ground on which they stood from under them. It was said that it was impossible to maintain an efficient blockade along a long line of coast. Now he acknowledged that a marine guard, and a marine guard alone, would never accomplish the entire suppression of this traffic. But there were two agents from whose co-operation he anticipated great results. The one was the civilising influence of legitimate trade—the other was the still higher and more civilising influence of the Christian faith. How could either of these work if they were deprived of protection, and exposed to the assaults of pirates? He said that all the evidence went to show that over a large portion of the coast they had succeeded in repressing the slave trade. He had before him a map of Africa, exhibiting a line of coast from the extreme north to within five degrees of the Equator, and there was not at that moment, as far as he knew, a single trace or vestige of the slave trade. It was said to be impossible to repress the trade along a coast line of 2,000 miles in extent; but here was a line of coast of 1,500 miles in extent, comprising some of the principal depôts of slaves, in which they had actually extinguished the trade. How had it been extinguished? The hon. Member for Gateshead said that the attempt to put an end to the slave trade must of necessity be vain, because the majority of the natives were opposed to its suppression, and the majority of civilised Europeans were actively engaged in it. Now, he would read to the House an account of the last effort made to put down the trade at the Gallinas, by that distinguished officer Captain Dunlop, whom

the noble Lord the Secretary for Foreign Affairs had authorised to blockade the Gallinas, not in the way of a mere marine guard, but as a regular warlike brigade. Captain Dunlop wrote—

“As soon as I had blocked up Gallinas on the west side, by means of the chiefs of the Sherbro, I called upon the Cape Mount, Manna, and Singary people to do the same on the east side, which they immediately did, by sending nearly 3,000 men to threaten them with an attack from that quarter.”

So that there was decided proof of the readiness of the natives to co-operate in suppressing the trade.

“I had now the Gallinas fast locked up. They had only communication with the interior on the north, whence they could get no supplies.”

Now for the result:—

“After some correspondence, I was completely successful. All my demands (to surrender white slavedealers, and to give up slaves) were submitted to in the humblest manner. The slave-dealers wrote to me to beg of me to allow them to come on board my ship, as they would be murdered the moment they crossed the frontier. This I knew very well, for our Cape Mount friends would have cut off all their heads, to a certainty; and as I did not wish to have their blood on my head, I thought it as well to grant their request, though it was more than they deserved.”

Captain Dunlop possessed all the qualities which were necessary for the service in which he was engaged. One could scarcely help sympathising more with the paragraph in which he stated that mercy to these men was not deserved, than in that where he said that he had extended mercy to them. He continued—

“There were fifty-five of them, including merchants, their clerks, and some crews of captured slavers. The four principal merchants, namely, Don Benito, Don Pablo Crespo—Hermos, and Franco Canello, were Spaniards; the others, and all the clerks, Brazilians. I sent a vessel up here with them, and now there does not remain even the shadow of a slavedealer in the whole of the Gallinas and Solyman countries, nor is there a vestige of slave trade between Cape Verd and Cape St. Paul. Whether it will ever be brought back to Gallinas depends entirely upon the steps Her Majesty's Government may adopt. If a proper agent is appointed to reside for some time at Gallinas, a little assistance given to the chiefs, and a man-of-war kept off the place, very soon legitimate commerce will be firmly established. If, on the contrary, nothing is done by Government, the slave trade will revive in full force in a few months.” . . . “It released between 1,000 and 2,000 slaves, obtained all cannon, irons, &c., strengthened the league for attacking dealers in future, quite put an end to a war which for seven years had supplied the slave trade, and occasioned indescribable misery.” “I was quite glad to see the slavedealers in a miserable plight, exhausted from bad living, even the principal merchants;



and before they embarked, the natives plundered them of all they had. Many of them came on board with nothing on but their shirts." "They seem really anxious to establish commerce, and give up all thoughts of the slave trade. We have accomplished a great object, and if our Government will only now step in, the object it has been striving to attain for years is within its grasp as regards the whole coast from Cape Verd to the Bight of Benin."

He had shown that where international law did not prevent—and with regard to international law he believed that more difficulty had been thrown upon the question in these debates than was absolutely necessary—he had shown that a naval officer could place the notorious Gallinas in a state of blockade—could collect armed natives to his assistance; and that when the Spaniards fell into his hands, they owed to him the safety of their lives from native indignation and revenge. How did his hon. Friend account for this fact, that the slave trade had been put down in Cuba? The importations there were formerly numbered by tens of thousands; now they were so small that it was doubtful if 2,000 were not an excessive estimate. How did his hon. Friend account for that? They talked of General Valdez, but General Valdez was not in Cuba now; and he (Mr. Cardwell) could tell them from reports he had before him, on the authority of Mr. Kennedy, consul at the Havana, that the importation of slaves to Cuba had nearly ceased, because the price of slaves was too high; but let the difficulties in the way of importation be removed, and the price of slaves would speedily fall, the importation of slaves would again begin, and there would be a revival of the slave trade in Cuba. He acknowledged that the slave trade had not been repressed to the same extent in the Brazils; and he should deal, he hoped, with perfect fairness with that case. What was the state of the case in Brazil? There were two parties in that country—the native Brazilians, who discouraged the slave trade, and the Portuguese capitalists, who carried it on. These Portuguese capitalists were in direct communication and correspondence with the Portuguese colonists on the east and west coast of Africa, from whence they drew their supplies. It was said to be impossible to suppress this portion of the traffic. Now, here he must call one or two witnesses into court. He would refer to the Portuguese colony of Ambriz. For a long time the trade had been flourishing there, without let or hindrance, because

Commodore Jones thought in his discretion—and he might be right—that he might rely upon the Governor of the colony for putting down the slave trade. When Sir Charles Hotham got there, he found matters in this state—that any such reliance would then be quite misplaced, the repression of the trade having been left to the Portuguese authorities—that the trade was flourishing as brisk as ever. Sir Charles Hotham sent there one of his officers, and twenty-one ships were captured at the first go off. What was the consequence? Sir Charles Hotham told them that this was an immediate discouragement, and that he had dealt a heavy blow to the trade. Then, as regarded the east coast, they had the letter of Admiral Dacres, enclosing the despatch from Captain Wyvill, in which he stated that the Portuguese Governor welcomed him with open arms, for he found that the safety of the colony was in jeopardy from the slavetraders and pirates, and therefore the strong argument of self-interest was sufficient to overpower any desire there might be to encourage such a traffic. And had they really not put down or checked the slave trade in the Brazils? He would refer to the evidence of Mr. Hesketh, who had been long a resident in the Brazils, and who was not a romantic man, or a man of high-flown notions. He was a commercial gentleman who had resided in the Brazils since the year 1808, and what did he say? Why, that the number of slaves imported varied according to the facilities of escaping our cruisers. In some years the slavers were successful. In others they were not, and the number imported varied accordingly. Then there was Mr. Herring, another gentleman, residing also in the Brazils, who used the same language precisely, and who upon being asked if he thought those persons were correct in their views who believed that it was the existence of the British squadron upon the coast of Africa that prevented a larger supply of slaves, answered that they were undoubtedly correct. And upon being asked if he believed that, if the squadron were withdrawn, there would be immediately a large importation, he replied that he had not the slightest doubt upon the subject—there would be. Now, that was an English gentleman, resident in Brazil, speaking from his own experience. But hon. Gentleman talked about the analogy between the slave trade and the smuggling of tea or tobacco, as if the promotion of wars between various

tribes of men, and the carrying off large numbers of our fellow-creatures into slavery, were at all analogous to the question of putting a pound or two of tea or tobacco into some secret hiding place in a ship. Let them make the slave trade easy, and they would have an immediate increase in the number of persons and vessels engaged in it upon the coast of Africa. But where was the necessity for multiplying citations from the evidence? Did not the reason of the case suffice? If the slave trade were made easy, then it paid better to carry on that trade than to cultivate palm-oil in Africa. The savages in that country, black savages, or savages of Portuguese or Spanish blood, found it answer their purpose to discourage lawful trade. Again, on the western side of the Atlantic, what was the effect? Let it be made easy to carry slaves to Cuba or Brazil, and the price of those slaves would be lowered. What would be the consequence? Why, that it would be the easier for their purchasers (the planters) to "use them up," as it was called—to work them to death, because they would be cheap. But let the price be raised—let the price of a slave be raised to 100*l.*, as they had heard it was in Cuba, or to 80*l.* or 60*l.*, as they had shown it was in Brazil, and did they not immediately raise an interest in the minds of men who had no feeling but that of sordid interest, upon which you could work to make them take care of the property which had cost them so great an outlay of capital. Well, then, he had shown the House that from the north downwards to the Bight of Benin they had stopped the slave trade by the direct agency of the squadron. But there was another engine at work for its suppression. They had missionaries in the Bight of Benin who were protected by the British squadron, and who were not assailed by pirates merely through fear of the chastisement which the squadron would inflict upon those who dared to molest them. And what were those missionaries doing? They had obtained the leave of a powerful native prince to establish schools in his dominions, and they had made him favourable to British interests. And he (Mr. Cardwell) was glad to hear the right hon. President of the Board of Trade declare that night that there was a prospect of getting him to enter into a treaty similar to that which had been arranged with such good effect at the Gallinas. Well, then, such being the con-

dition of affairs at the Bight of Benin, let them proceed to the Bight of Biafra, and there they found there was now established in that ancient focus of the slave trade a state of legitimate industry and traffic. Where 4,000 tons of palm oil were formerly exported, there were now exported 25,000 tons. Was it no evidence of a powerful legitimate traffic being established? But it was said upon the other hand, that they had greatly increased the suffering and cruelties of the slave trade by the means which they had adopted for its suppression, and that they had vastly increased the number of its victims. He was not surprised that the mind of any one who read the details of the sufferings of the slaves, should revolt in horror from the subject, and be disposed to be governed rather by feelings of utter despair than hope of being able ever to alleviate those sufferings. But in that House they were discharging a public duty, and they should be governed by higher considerations. He had looked at the debates at the time of Sir William Dolben's Act, and at the evidence of Dr. Cliffe, a person who by his own confession had been an accomplice of the slavetraders, but who was put forward by those gentlemen who found that his descriptions were serviceable to their cause at the time, and whose statements were most exaggerated. But he turned from the evidence of the accomplice who mentioned 14 per cent, to that of Sir Charles Hotham, who said that he believed the mortality to be only about 5 per cent of the whole number of slaves. And when they compared that with the statements made during the debates that took place at the close of the last century, it was impossible to say that they were adding to the mortality by the modes of prevention which they were now adopting. He had established the facts, then, that they had put down the slave trade along above 1,400 miles of coast; that they had established the foundation of a legitimate trade; and that they had given encouragement to missionary enterprise, acting under the care of the British squadron. He had shown that the Cuban slave trade was all but totally suppressed, according to all the evidence they had which disclosed the state of Cuba. That in a Portuguese settlement upon the west coast of Africa, Sir Charles Hotham had told them that a heavy blow and great discouragement had been given to the trade. And that upon the east coast, Captain Wyvill, acting under the orders of Admiral Dacres, had in his effort

to extinguish the slave trade been received with open arms by the Portuguese governor. They found, moreover, that the American admiral and the French admiral, although they had not the powers which ours had, and therefore could not act with the same energy, were standing by, approving of and encouraging the efforts of our officers at the Gallinas, and sympathising entirely with our objects. They found that a native prince in one place invited our squadron to come and put down the slave trade in his district, where he had not sufficient power to repress it himself. And therefore he (Mr. Cardwell) could not, as an honest man, come down from the Committee to the House of Commons and report his opinion to be that their efforts had been wholly and entirely futile. He could not take upon himself the responsibility of paralysing the hands of those who had the working of the present system confided to them. An appeal had been made with regard to the constitution of the Committee. He himself had gone to act upon that Committee perfectly unprepossessed. His name had been proposed as a Member of it by the hon. Member for Gateshead, and the noble Lord the Secretary for Foreign Affairs thought it unsafe that the Member for Liverpool should be trusted. Much stress had been laid upon the names of Lord Courtenay and Mr. Barkly, who had sat upon the Committee of 1848. But in the year 1848 they had not had the evidence of Sir Charles Hotham. He quite agreed with those hon. Gentlemen who attributed the utmost possible importance to the testimony of Sir Charles Hotham; and he believed that if Lord Courtenay and Mr. Barkly had been present in 1849, and had heard his testimony, they also would have attached great importance to it. But, now, before they laid claim to the sanction of these names, let them see what Sir Charles Hotham said. He wished to be perfectly candid in that debate, and therefore he at once admitted that Sir Charles Hotham had used the word "futile" in connexion with the efforts of the African squadron. He was deeply dissatisfied that all his zeal, his abilities, and his loyalty to the service did not enable him to obtain a more satisfactory result; but when his testimony was quoted as favourable to the Motion then before the House, nothing could be further from its true construction. Here was his opinion upon it:—

"Considering, as far as we are able to learn,

that under Sir William Dolben's Act the mortality was 14 per cent, and that now it is only 5 per cent, do you imagine, if the slave trade were allowed for a certain period, any great diminution in the mortality would take place?—I anxiously hope that the slave trade may never be allowed; if you were to remove all restrictions, and to take your squadron entirely away, small speculators would spring up and undersell those who are now in the market; the slave trade would be greatly increased in its horrors, and it would be impossible to calculate the calamities that would ensue; besides this, pirates would abound, and in my opinion it would be impossible for a legitimate trader to conduct his operations upon that coast."

Now, as he represented those who carried on nearly the whole of the legitimate traffic on the west coast of Africa, he wished to ask those hon. Gentlemen who were so anxious to do away with the African squadron, when they talked of economising the 700,000*l.*, or whatever other sum they alleged that the squadron cost the nation, in what condition did they mean to leave the coast of Africa, and what provision did they mean to make for the protection of the legitimate trade? He had testimonies without number, from commercial men, from judges of the mixed commission courts, from consuls at foreign ports, and others, and they all agreed in telling what Sir Charles Hotham told them, that piracies and rapine without number would be the consequence of the removal of our cruisers. Would they tell him that they could put down those pirates with twelve ships, whom they asserted could not now be watched by twenty-six? That there would be an immediate increase in the number of slavetraders, they all admitted. What they said was, that although the cruelty would be diminished, the number of vessels engaged in the slave trade would be increased. Well, then, what was the character of those who engaged in that trade? He would repeat a well-known anecdote illustrative of the question. Captain Trotter fell in, at one time, with a slaver from Havana, which diversified the slave trade with a little piracy, as opportunity offered. This slaver had fallen in with an American ship laden with dollars, of which the slavers took possession. They forced the crew of the American ship under hatches, where they battened them down, and having plundered the vessel, they tarred and set fire to the mainsail, and left her to be consumed with all her crew on board. Happily, however, they were released from their perilous position. Captain Trotter after-

wards chased the slaver, and when the pirates found that there was no other chance of escaping from him, they took to their boats and escaped, having first laid a train of gunpowder to the magazine, the match of which they fired before leaving. Just as Captain Trotter set his foot on board the vessel she exploded, and it was only by a most fortunate accident that his life was saved. He (Mr. Cardwell) wanted to know how many such persons they would have manning vessels upon the African coast if the squadron were removed? and what complaints would they not have from the trading and manufacturing interests of this country, if those piracies were to be so increased by the diminution of the means of repression. Well, then, he denied that the supporters of the Motion were entitled to take credit for the saving which they said would be effected by the adoption of their plan. He knew very well what was a frequent occurrence in that House. Some plan was proposed which received a considerable share of support and applause. If any one found fault with the expense that it would occasion, he was called a twopenny halfpenny fellow, whose views were narrowed by paltry notions of petty economy. A few years afterwards, the zeal having cooled, some people came down to the House and said, "This burden is a heavy grievance, and it ought to be redressed;" and then if any one said a word against the saving, he was said to be an enemy to all economy. The noble Lord who had just sat down, had not blinked the question. He had said that he felt all the responsibility of it. That it would be surrendering a long-cherished principle of this country, and that it would be permitting the increase of vessels engaged in the slave trade. Well, then, he (Mr. Cardwell) said before they made that coast a nest of pirates, let them take care what they were doing. He found Sir Charles Hotham and all who had been engaged in the service upon the African coast, regretting deeply that their efforts had not been more satisfactory. He admitted that there must be a limit to endurance; he acknowledged that every year, in which the slave trader made successful head against our efforts at repression, strengthened the case against the present system. He agreed also with Sir Charles Hotham in saying that he would not take upon himself the responsibility of suppressing the African squadron. Having been appointed upon a Committee to consider the best means for the final

extinction of the slave trade, he would not return to the House of Commons with no other proposition to make than a discontinuance of the only means by which the trade is now impeded or repressed. The Committee had put something at the end of their report about continuing the naval influence of England, and entering solemn protests against a traffic they abhorred, and then they thought they had discharged their consciences. But he thought that for a Member of the Committee, and of the House of Commons, to paralyse the hands of the Government when they told them they were negotiating with foreign Governments upon the subject, was a step of responsibility from which any individual, having in his heart and conscience a due sense of the horrors of this system and of its unspeakable iniquities, as a prudent and cautious man, ought most carefully to abstain.

CAPTAIN PELHAM denied that the officers of the Navy had admitted that the squadron had wholly failed in its object, or that nothing more could be done. As a matter of economy, this Motion would prove a perfect delusion. It would not only be injurious to the character of the country, to the best interests of the naval service, and to the commercial interests of the country, but it would also very materially increase the horrors of the slave trade, and disappoint those who were advocates for giving up the present efforts; and the day was not far distant when the people of this country would regret the decision which so many hon. Members were now disposed to come to. Sir Charles Hotham's opinion had been very much misunderstood; and the opinions attributed by the hon. Mover of the resolution to the naval officers were not borne out by the evidence given before Parliament. It would be found from the evidence, that in 1835, in consequence of the treaty made with the Spanish Government, the Spanish slavers had been obliged to resort to the protection of the Portuguese flag; and that before the treaty the price of slaves in Cuba was only one-fourth what it was now, owing to the smaller number imported. It was said we had effected nothing in the Brazils. Where 94,000 slaves were imported into Brazil, not more than 50,000 were now taken there; and the evidence of Lord Howden and others showed that the price had risen from 25*l.* to 50*l.* or 60*l.* As to the mortality, it was not now greater than 9½ per



cent on those captured, and 5 per cent on those which escaped; and under the legalised slave trade, under Sir William Domben's Act, it was never less than 14 per cent. It was a delusion to suppose that the squadron must be doubled or trebled to effect any good. He was prepared with a plan, which had been approved by naval officers who had served in the squadron, whereby a more effective blockade might be kept up with 5,000 tons less shipping than was now employed, 1,400 less horse power, and a proportionate saving of cost. We had 2,000 miles of coast with a legitimate commerce to protect, and not more than 1,000 miles where the slave trade still existed; some progress had evidently been made in the suppression of the slave trade; therefore, why should the Legislature come to the conclusion that with less to do than ever they had before, they were obliged to give up the attempt to do anything? If they withdrew their squadron altogether from the coast of Africa, it would not be followed by any diminution of the horrors of the middle passage. On the contrary, there would be an increased mortality amongst the slaves, because an impetus would be given to slave-grown produce, our increasing commerce with Africa would be ruined, as well as our West India colonies, whilst a deep disgrace would be inflicted, in the face of the world, on the naval power of England, and on the greatness of the country itself.

COLONEL THOMPSON said, there was one point on which he was anxious to set himself right with the House, and that was, that free trade had nothing to do with this question. He would appeal to hon. Gentlemen opposite in a spirit of amity, and with a desire to set out of sight any past or future struggles on that subject, whether the principle of free trade did not consist in the denial of the policy of giving to one part of the community a monopoly on the ground that it was to be a source of wealth to the community at large. It was a question of free trade in stolen pocket handkerchiefs that was now before the House. It was the question whether they would discontinue their efforts to suppress crime that they had now to consider, and the question of free trade was not at all involved in its consideration. Having stated what was not connected with the subject, he might be allowed to say what was. It was always unpleasant to aim at individuals; but nobody felt compunction

in firing at a battalion. He was going to fire at a battalion, and he should utterly refuse to answer any questions as to who might, or might not, be the individuals that fell in the way. What he feared was, that there was a strong desire in some quarters to see the sinews and limbs of the Africans employed in profitable industry throughout the vacant continent of South America, and that there was some idea that English commerce might be a partaker in the profits. Had they not seen an eminent political writer, once an honour to literature, declaring that the "beneficent whip" was the only thing for Africans and Irishmen? How would this principle work if it were applied to all who had anything to lose? The principle was simply that all property, including the property in a man's own person, belonged of right to those who could make the best use of it. Fancy that argument applied to hon. Members, by the men they would meet to-night between the House and Charing Cross. Hon. Members would soon have enough of that argument, and would not be long in being driven to the conclusion that our fathers were right in the opposition they made to this huge iniquity, which was the key-stone to the plan.

[When the hon. Member sat down, there were loud cries for a division, and no one having risen to address the House for some time, Mr. Speaker ordered strangers to withdraw, when]

MR. GLADSTONE: Sir, I hardly know whether it is for the convenience of the House—which I wish entirely and exclusively to consult—that I should proceed to address it this night. I had believed that there was a general expectation of an adjourned debate; and, in that case, if it would be more for the convenience of the House I would postpone my address; but I would be reluctant that this question should go to a division, and that I should vote, as I intend to vote, in favour of the Motion of my hon. Friend the Member for Gateshead, without having taken an opportunity of stating to the House, as briefly as I am able, some of the grounds on which I would give that vote. I do not disguise from myself the serious nature of that vote, or endeavour in any matter, or in any degree, to blink the magnitude of the question. I will not dwell pointedly upon the objection that this is not a Motion for the withdrawal of the squadron, but a Motion for the removal of a preliminary bar to discussion, because it is said

to be clear that the discretion of the House is not free, and we are met with an objection arising from our engagements to foreign countries unless we endeavour to remove those engagements. My object, in the first place, then, is to vindicate for Parliament the right of entering into the discussion of this question. Nothing can be more absurd than the present state of our treaty engagements with regard to the maintenance of cruisers on the coast of Africa. I think this Motion only contemplates the treaty with France; the treaty with America requires no negotiation, for either party can terminate it by the expression of a wish; but in the treaty with France, we bound ourselves to France, and France bound herself to us, each to maintain twenty-six cruisers on the coast of Africa, to suppress the slave trade, by whomsoever carried on. After the lapse of some time, France changed her mind—she did not possess the power, or seek to possess the power that would enable her to do what she wished, namely, to exercise jurisdiction over other than her own subjects—and she applied to Her Majesty's Government (and Her Majesty's Government wisely acceded to the application) to be released from her engagements, and instead of keeping twenty-six vessels on the African coast to suppress the slave trade generally, to be allowed to keep only a small squadron consisting of twelve vessels on that coast, to exclude her own subjects from the trade; so at present France is only bound to exclude her own subjects from the slave trade; and are we by treaty, forsooth, to be bound to France to maintain a large fleet on the coast of Africa for the purpose of suppressing the slave trade? I say that is a state of things so anomalous and so preposterous, that on its own merits my hon. Friend was justified in the Motion which he has made. If I have come to the determination of voting with him upon this occasion, it is after a long and painful investigation, which I began with an unbiassed and dispassionate mind. I can assure the House that the feelings with which I entered upon the inquiry, were not in accordance with the conclusion at which I have arrived; and those who know me are aware that every prepossession and every impulse I was required to struggle with and overcome before I could bring myself to that conclusion; but I thought the time was come when it was necessary to rouse the moral courage of the country to look this great question fairly in the

face. It is not because I think lightly of the slave trade, or because I prefer considerations of economy to considerations of humanity, that I vote for this Motion; and, indeed, with regard to the slave trade, I can find no words sufficiently strong to characterise its enormous iniquity. I believe the slave trade to be by far the foulest crime that taints the history of mankind in any Christian or pagan country; and therefore it is not from any light estimate of the atrocities of the trade that I have made up my mind to vote for the Motion of my hon. Friend. The system which we are now acting upon has been condemned by an accumulation of authorities as great as ever was brought to bear on a point of practical policy; and the authorities who have so condemned it are persons who had every prepossession in its favour—who, as long as it stood in the position of an experiment, adhered to it with tenacious fidelity, and would have adhered to it so long as a hope remained of its proving effectual, but who, when undeceived by the stern lessons of experience, have left us the expression of their honest convictions. In the year 1840, Sir Thomas Buxton said, that a system of armed repression was perfectly futile, and that not only was this the case, but that if you could enter into treaty stipulations with all the nations of the world, still cent per cent, as his expression was, the enormous profits of the slave trade, would be too strong for you. The system has been condemned by the noble Lord at the head of the Government, who, adopting the language of Sir Thomas Buxton, gave the world to understand that the only means of effectually extinguishing the slave trade, lay in the cultivation and the civilisation of Africa. It has been condemned by those, among whom I was one, who promoted that honestly-intended but disastrous scheme for despatching an expedition up the Niger. It has been condemned by the Anti-Slavery Society, who, it must be admitted, whatever differences of opinion may prevail on other points, have laboured with unwearied zeal for the promotion of the great cause of philanthropy by elevating the social condition of the children of Africa. We are told that the extension of legitimate commerce requires the maintenance of this system; but I want to know whether the merchants of this country have desired it? It appears to me that they are as much divided in opinion on this subject as other men are, and that if there is any decided

prevalence of opinion, it is either that of aversion or of indifference to the question. Then, as to the naval profession, I am not disposed to differ from the opinion of my hon. Friend, when he refers to the opinion of Sir Charles Hotham; but there is no doubt that the opinion of the naval profession generally is unfavourable to the continuance of the existing system. This stands on record, that the most responsible witnesses and the most recent witnesses have condemned it. It is quite true that Sir Charles Hotham does not recommend the unconditional withdrawal of the squadron, and that he expresses an opinion that if that were done the small speculators in slaves would increase; but he expresses that opinion with the modesty which belongs to his character, and observes, "My opinion on that subject is only a speculative opinion." Let not the House suppose that because Sir Charles Hotham does not recommend the unconditional withdrawal of the squadron, he is not convinced of its utter inability to put down the slave trade. He tells you that it is impossible to put it down—that no force which you can place in his hands will enable him to repress it; and his substitute for an armed force is, that you must have a treaty with Brazil, permitting a modified and limited importation of slaves into that country. Is there any doubt about Sir Charles Hotham's opinion on the subject? I ask my hon. Friend how Sir Charles Hotham would vote, if he were here to-night? Why, he would be one of the most zealous, as well as one of the most able, of the supporters of the Motion. I am reluctant to weary the House with extracts from his evidence; but I say that he inculcates absolutely and positively the removal of the squadron, though he says that you must grant to Brazil a modified licence for the importation of slaves. The right hon. Gentleman the President of the Board of Trade has made a speech to-night, in which he has referred to those motives which produced a fixed disposition in the mind of man, to induce us to follow up the policy in which we have so long embarked; but when I find him making use of these general considerations, I cannot but observe that this is a speech which may be made every year for generations to come, as it might have been made in any year for generations past. I must beg to qualify that remark, as it is but one generation since we began our present system of policy; but as the right hon. Gentleman's speech might have

been made in any year during the past decade, so it may be made any year in the next. This is the question to which I wish the House to address its mind. Are we to adopt this system as a permanent system, and make it one of the institutions of the country? Are we to go on with such success or failure as it may entail upon us, or are we to look the question fairly in the face and determine what is to be done? I must say that the Committee did not deserve to be taunted on account of the time at which this Motion is brought forward. They felt the inconvenience which the publication of their report would occasion to the Executive Government; and so strongly was this feeling entertained, that in June, 1848, when the report could have been carried by a considerable majority, and when they learned, on what they believed to be the best authority that if the report were not presented that year, the interval that might elapse might be turned to the best account by treaties with other Powers for the suppression of the slave trade, they abstained from presenting it. That was in the summer of 1848, and we are now in the spring of 1850; yet what progress has been made? The right hon. Gentleman tells us of the purchase of forts; but what are we to do with forts, when there are four thousand miles of coast? The right hon. Gentleman says that 1,500 miles of coast are not exactly clear at present, but that they will be clear; but even if that should turn out to be correct, what then? Sir Charles Hotham says that the moment you stop the slave trade at one place, it breaks out at another, and it must be remembered that there are 4,000 miles of coast from Morocco to the Orange River. The right hon. Gentleman speaks of the influence of Liberia, and a very salutary influence it exercises; but my hon. Friend the Member for Gateshead does not mean to say that the Government should maintain an indifference on the subject of the slave trade. On the contrary, wherever a Government was found inimical to that traffic, whether that of Liberia on the west coast of Africa, or the Portuguese settlements on the east coast, we ought to aid that Government, and not shrink from any sacrifice to give them effectual assistance. It is not the amount of the sacrifice which the maintenance of the squadron involves that I so much object to, as to its uselessness, and the mischief to which its presence on the coast gives rise. What has the squadron done? Has it extinguished the slave

trade? No. Is it making any progress towards the extinction of the trade? I want to call the attention of the House to that point. My hon. Friend in the course of the able speech which he made referred to the capture of twenty vessels at Ambriz, made by Sir Charles Hotham; but Sir Charles Hotham says that that was an accident, and that he took them by surprise, getting there six months before he was expected. No doubt there had been an abundance of gallant transactions, but the question is, whether, on the whole, we are making progress, and what progress we are making; because, if I could see a *bond fide* progress made, I should be willing to go on, in the hope of attaining a good so incalculably great as the repression of the slave trade. But as far as I can see at present, your squadron imposes a tax of 10 or 15 per cent on the slave trade, and that is the very outside. You have already inflicted some loss upon the dealers, and have given the traffic a character partaking more of hazard and adventure than it before possessed; but does this squadron govern the price in Brazil? Does the price in Brazil vary with the efficiency of the squadron? Is that the case or not? In 1828, according to the purchases entered in the book of an estate there, the price of a slave varied from 300 to 350 milreis. In 1844, the price varied from 700 to 800 milreis; and I ask you whether the squadron has been more or less effective since? Why, we all know that it has been much more effective—that the force has been greatly augmented, and placed under the command of a man almost unequalled for the performance of such a duty, and yet what has been the price since? In 1848, in the face of this squadron which governs the price in Brazil, the price has been reduced by the redundancy of the supply to from 300 to 350 milreis. I observe that this is an assumed estimate, and therefore, that I may be quite accurate, I will take the price in 1847, when it was from 400 to 450 milreis. There is no reason for doubting the accuracy of the returns made by the Foreign Office as to the number of captures effected. Since 1840—and in taking 1840 I take it because it is the period since which the squadron is said, on the whole, to have been in a state of inefficiency, and consequently of increasing effect—in 1840, our captures were 6 per cent; in 1841, 13 per cent; in 1842, 13 per cent; in 1843, 5 per cent; in 1844, 9

per cent; in 1845, 10 per cent; in 1846, 4 per cent; in 1847, according to some accounts, 4½ per cent, and, according to the most recent account, 8 per cent. Therefore, taking these figures as a whole, there is no progress, but there is rather retrogression on the rival ground occupied by the squadron, and the slavetraders respectively; and while you are improving at a vast cost the organisation of your squadron, the slavetraders have been gaining upon you by improving still more rapidly the organisation of their system; and it appears that a larger proportion of them during the last three years, during the very best period of your squadron, have escaped through your hands, than during the years that preceded that period. Now, Sir, with respect to the admission that I have made, that the squadron imposes a tax on the slave trade, I contend that it was not for the purpose of imposing such a tax that these great and extraordinary efforts were originally undertaken. I don't stand here to impeach the policy of those who thought that, in consideration of the extraordinary iniquity and the extraordinary miseries of the slave trade, it was right for us to step out of the common course, and make such great efforts some thirty years ago for its suppression. I believe that that was an experiment well worth trying; but in my view it is necessarily an experiment bounded and limited in time. It is not an ordinance of Providence that the government of one nation shall correct the morals of another. I say that for a time, and for a great occasion, it may be right to depart even from that most salutary rule; but I say, that for a long course of years, and especially for that which I think is now before us, namely, an indefinite continuance of the present system if the House rejects the present Motion, or, at any rate, if the opinion of the House is decisively declared against it—I say it is not right to depart from that rule, or you involve yourselves in all sorts of difficulties, and find in the first place that the opinion of your sincerity is destroyed; that you are in constant risk of collision with foreign nations; and that from some cause or combination of causes, you cannot gain your object. It was to extinguish this traffic that these great efforts were undertaken. If you have a rational hope of extinguishing it, then persevere; but if you have none, then begin to think of some other means better adapted to your object. Sir, has there been any



cause of a circumstantial nature to which you can point as being fairly chargeable with your failure? Has the squadron been inefficient? Has the Government been inactive? Has the noble Lord at the head of the Foreign Office been sluggish on this subject? For fifteen years nearly out of the last twenty years he has been Secretary of State, and I am glad of it with respect to its bearing on this question; because all the world I think pays, as I believe is justly due, honour to the noble Lord for the zeal and energy with which he laboured in the department of his office for the suppression of the slave trade. We never can stand better, I think, so far as direct negotiation is concerned, than with the noble Lord in respect to this subject. And he has not been inactive; he has always been looking forward to something which he hoped might attain an end. In 1835, he had a distant hope of a treaty with Spain; in 1839 he fixed his hope on the equipment clause; in 1840, he fixed it on the great advantage to be obtained by being enabled to pursue the slaver on the south as well as on the north side of the equator; and in 1840 there was also hope from the Niger expedition; then there were the treaties with France and America, and the hope of a union between the three greatest maritime Powers of the world, in pursuit of this object. Well, these points have been nominally gained, and now where are we? We have not advanced, but we have positively fallen back in respect to the attainment of our object. Nor has the right hon. Gentleman—I must do him the justice to say—nor has the right hon. Gentleman the President of the Board of Trade at all held out to us a promise that if we give a further lease of the system of repression by force, we shall see some new development of diplomatic means, and a new position of affairs assumed as the consequence. He speaks, indeed, of the multiplication of treaties with the chiefs of Africa, which may be all very well in its way, meaning nothing more nor less than pensions to the African chiefs, to stand in the stead of the profits they receive from the gains of the slavers. This may be all very well as a secondary means, but it is not by means of that trivial minuteness that you can hope to overcome this gigantic and extraordinary evil. But now, Sir, though I certainly look at the pecuniary burden which this system entails upon the people of England as a very serious one—for I believe

that not even the 700,000*l.* to meet the charge is really all that is entailed on the country, although it may be something like the limit of the direct charges that are placed on the item which you can visibly connect with it; yet I say that is not my main motive—I am not governed in the main by a desire to get rid of this charge. I want to grapple with the question fairly, as a question of humanity and of philanthropy. And I say, admitting that every man's conclusion on such a subject ought to be under certain reserves, yet I declare it is the best judgment that I can arrive at on the question, after endeavouring to become acquainted with the facts, that the continuance of the present system of repression does not diminish, but, on the contrary, has a tendency to increase the sum of human wretchedness. Now, Sir, that is the ground on which, I challenge the judgment of this House. It seems to me that the evidence goes to that extent; and, if this be so, I trust it is to that point that the arguments of our opponents will be directed, because it has often happened that the misery of man has been increased by persons who thought that they were promoting his happiness. And we must not allow any of these topics which address themselves to the imagination, we must not allow any indisposition to a change of policy, or any respect for the motives of those who have gone before us, to prevent us from adjusting our course to the circumstances of the times, if we perceive that these circumstances have undergone an essential change. Now, how are we to come at this question, whether the squadron does or does not increase the sum of human suffering? On what evidence are we to go? We must content ourselves necessarily with indirect evidence. But I observe that this direct evidence all goes to this point—that the sufferings arising from the traffic at the present moment are far greater than they were wont to be in earlier times. I am sorry that I have not at hand the work of Sir Thomas Buxton, but it will be recollected that after a careful detail of the horrors and miseries of the slave trade as it was in the period before the Act of Sir W. Dolben, he uses some expressions to this effect, that dreadful as these sufferings are, they are trivial compared with what are now undergone. And I hope my hon. Friend will therefore see that it is on an authority somewhat high, and I think perfectly dispassionate, that this assertion is propounded in this House.

But, Sir, if I go to figures, by what figures, are we to form our judgment? We are told that the calculations of mortality are very imperfect; but at the same time, though they may be imperfect, yet if these are the calculations of the most competent judges, and if they are so decisive in their character as to leave an ample range for accidental errors, and still the substance of the conclusions shall be untouched, I say that we ought not to reject these calculations. Now, what was the state of mortality during the period of the regulation of the British slave trade? During that period it was stated in this House by Mr. Jenkinson that the mortality in English vessels on the middle passage was reduced to three per cent. Mr. Wilberforce placed it at ten per cent. The mortality in Dutch vessels was five to seven per cent according to Mr. Jenkinson, and in French vessels, ten per cent; but still it was perfectly plain that ten per cent was the maximum of this variety of estimate of the mortality. That was under the Regulation Act of Sir William Dolben. And what are the estimates now? Mr. Bandinel makes an estimate of twenty-four per cent. You tell us that this is on very imperfect data; but it is the evidence which an intelligent man, after thirty years' experience with a more comprehensive knowledge than any other individual, finds best for yielding on the whole a just conclusion. But is Mr. Bandinel's estimate entirely beyond the margin of the others? If you go to them, I understood it to be said, his estimates will not stand under you. But, I ask, what is the estimate of Sir Thomas Buxton? It is that the mortality of the middle passage for a course of years previous to the time when he wrote, namely, 1840, cannot be taken at less than thirty-three per cent. Why, Sir, if we look again at the evidence of fact, which, though it may not go so directly to the point, yet it is in itself more capable of being correctly tested—suppose you take the crowding of the slaves in the ships—I think, on the whole, that this is not a very unfair test to refer to with respect to the sufferings and the mortality. I find in the report of the Committee of the House of Lords, Mr. Stokes's evidence, who says, he shall show, as he was invited to do, that the crowding before the slave trade was regulated, sixty years ago, in the slave ships, was greater, or at all events quite as great as it is now. And what does he do? He quotes certain cases, and I find in all that he quotes the

proportion of slaves carried to the tonnage of the vessels is between five slaves to three tons, and three slaves to two tons. There is no very great variation between these proportions. Now there are other facts. When Sir William Dolben's Act was introduced, all that the slavetraders asked that they might be permitted to carry was two slaves for every ton. This was the maximum to which they aspired—the extreme case which they then contemplated. Well, how does this matter stand now? Look to the returns in the books for 1847 and 1848. I have taken pains carefully to examine them. I find that the average number of slaves, instead of being three slaves to two tons, is very nearly eight slaves to two tons. And I find, instead of two slaves or three to one ton being an extremely exceptional case, nine slaves and ten to one ton are instances that not unfrequently present themselves. Then I say, with such a state of crowding, that such a change in the number of slaves carried according to the tonnage, must greatly increase the mortality; and let it always be recollected that while I speak of the mortality sixty years ago, I speak of the mortality on a passage of more than fifty days; and when I speak of the mortality now, I speak of the mortality compressed within little more than half that space, because I believe it is not far from the mark to say that ships now perform the voyage in from twenty-five to thirty days, being only a moiety of what the length of the voyage used to be. But if there is a great increase of mortality, if I say the increase is ten per cent, I do not think that that is an immoderate estimate considering the figures I have already quoted. And if there has been this increase of ten cent in the mortality, I ask what does that mean, and what does that come to? Why, it means this, that this increase of mortality absorbs every year the lives of between 8,000 and 9,000 slaves in the middle passage; and that number is much larger than the number to which in any year you have given liberty, by the united efforts of all your cruisers. And, if you only, by all your labours, liberate 5,000 or 6,000 slaves, you will cause the additional deaths of 8,000 or 9,000, and aggravate the sufferings of the rest. I ask then if I am not right in stating it as a most probable opinion, that the mass of human sufferings, as far as relates to those who are carried across the ocean, is increased by the repressive system which you are now pur-

suing. Well, Sir, of course we shall be asked what other course do you propose—what else can be done? For my part, I so much feel the difficulty of that question, that if any rational course can be pointed out which would afford us the hope of success in our present pursuit, as I have already said, I should be perfectly ready to embrace it. But, in my opinion, we have come to the time when we ought sincerely and deliberately to ask ourselves what are the conditions necessary to give us a reasonable chance of success in the system of force and repression? I don't deny that there are imaginable and conceivable conditions which might enable you to struggle even against the slave trade; but I do not think there are any imaginable conditions which give you anything like a certainty of putting it down. The attempt might be made to put it down as if it were piracy; but the noble Lord somewhere remarks in his evidence, that although it is morally a far greater crime than piracy, yet by the law of nations it is not regarded as so great a crime; and it differs from piracy in this, that hideous as is its moral character, yet it has, if you look to its exterior merely, all the conditions of a great branch of commerce. I believe that it is impossible to put down a great branch of commerce such as this by the exercise of mere force, having in my mind, as I have, the remarkable saying of Sir Josiah Child. But if we really wished effectually to put down the slave trade, what would be the proper course to adopt? The first and most essential of all to be done is to induce a general belief among other nations of the world of our sincerity of purpose. I do not believe that there is that general impression among other nations of the earth. I am certain that if there were that impression among the nations of the world, there would be more of real co-operation among the Governments. It is very well for my hon. Friend to point to some officers of the American and French squadrons who, animated by the generous spirit of the profession, sympathise with the exertions of our gallant men, and wish them hearty success. But if that is the spirit of the officers, do they represent the Governments of their respective countries? Hon. Members who had read the blue books now before the House would not fail to perceive, in Sir Charles Hotham's evidence, where that officer is asked his opinions respecting the American squadron, that there was one American officer who did venture to

detain a vessel carrying the American flag; and what was the consequence? Not only did the captain meet with the disapprobation of the Government, but he was brought into a court of justice, and so mulcted on account of his conduct, that no one has since been found to copy his example. It is impossible not to feel the disadvantage under which we are placed as to the imputation of sinister motives with other countries. One half of the speech of the right hon. Gentleman the President of the Board of Trade consisted of appeals to motives of humanity and philanthropy—the other half, of a description of the great detriment which our West India colonies would undergo if we acceded to this Motion. No doubt these notions were all conceived and converged in the mind of the right hon. Gentleman; but we know that with the introduction of the subject of our colonial interest in a debate upon the repression of this trade, it would be very difficult to persuade foreign nations that the colonial motive was not the real one, and that the other was introduced merely by way of surplusage or ornament. If you wished to maintain that character for perfect sincerity, and sought to propagate among other nations a belief that you intended the repression of the slave trade, and would not allow any other consideration to interfere with it, you should not have passed the Sugar Duties Bill of 1846. It is perfectly intelligible, the hon. Gentleman might say, that motives of convenience and policy, and I know not what other reasons, were sufficient to induce them to pass that Act. I do not enter into that discussion now; but I say, having passed that Act, I defy you to establish your reputation for sincerity among the nations of the earth. If you want to suppress slavery not by force, the first thing you ought to do would be to repeal that Act, in order not only to beget that good opinion in other countries, but because that Act was the most powerful instrument of repression which you had in this country. What is the next thing to be done? At least to double or treble the present squadron. Instead of forty or fifty, you would require between eighty and one hundred vessels at least. [An Hon. MEMBER: No, no!] An hon. and gallant Member opposite appears to doubt that. It is the opinion, however, of many naval officers, and the opinion also of Sir Charles Hotham, who stated, in addition to that, that he believed that no increase of our naval force would enable

us to succeed in it. If hon. Members would read the evidence, they would see that what he had stated was correct. I am now speaking, of course, of sailing vessels. A sailing vessel, it appears, cannot watch more than about thirty miles; if, then, you have some 2,200 or 2,500 miles to watch—if the hon. and gallant Member, who, I perceive, still expresses his dissent, will perform that little sum, he will see that what I have stated is correct. What is the next thing to be done? You must obtain the right of search, and particularly from France; for it is plain that you must have security against the employment of the French flag, and you must likewise obtain the right to stop those persons who are now described as “neutrals,” sailing under the American and Sardinian flags, and particularly the American, which consorts with the Brazilian and Portuguese, with two flags, two sets of papers, and two captains on board ship. So that the same vessel which sails from America with an American captain, American flag, and American crew, when she arrives at, or leaves a slave port, has a Brazilian or Portuguese captain, and with papers of one or other of those two countries, or none at all, as it suits her convenience. From Sardinia you may be able to obtain that right, but certainly not from America. Then it is said that you must do something for the punishment of the crew. Dr. Lushington says that all your efforts will be futile until you can punish the crew. Some persons propose that you should hang them, some that you should hang the captain only; others, again, propose a limited number, three, I believe—a quorum; a fourth proposition is, that you should imprison or transport them. Dr. Lushington says, transport them, with the right of reclaiming them by their respective Governments. I will take them all, without stopping to inquire into which is the better mode of dealing with them. But is there any man in this House who knows what is the temper of the rulers of the world towards each other who will for a moment believe that it ever will be permitted to England to exercise penal rights over the subjects of other nations? I would wish hon. Gentlemen would consider that subject if they entertain any belief that they are able to suppress the slave trade by punishing the crew. Supposing we could get slave trade declared to be piracy, and had power to deal with it as such—I grant, supposing

we get rid of some other things, that there would be a probability of putting an end to the trade. There is another thing, which shows almost that Providence has designed that no one nation shall deal with the affairs of other countries. We have made treaties with Spain and Brazil which are broken every day. We have a treaty with Brazil, which she has broken every day for the last twenty years. We have tried to secure the freedom of the Emancipados; we endeavoured to make the Brazilians declare it a crime to import slaves into Brazil. This treaty has been repeatedly broken, and we have a perfect right to demand its fulfilment; and if we have the right to demand it, we have the right to do so at the point of the sword in case of refusal. We have now a perfect right to go to Brazil, and call upon her to emancipate every slave imported since 1830, and upon refusal, to make war with them even to extermination. The justice of your demand could not be doubted. The noble Lord opposite has been in the Foreign Office with zeal and ability for the last fifteen years, and the Earl of Aberdeen for the other five years, yet neither of them ever entertained the idea of making or enforcing this demand upon Brazil. You would not dare to go to war upon this question with Brazil, much less with those whom you would find in the rear to support her. You must first, then, if you wish to suppress the slave trade, repeal the Sugar Duties Bill; double your squadron; obtain the right of search from France and America; obtain the power to treat slave trade as piracy, and those engaged in it as pirates; and you must compel Spain and Brazil to fulfil their treaties. If you have all these five, I grant that it might be right to make some further trial to put down the slave trade by repression. The first two you might do: you cannot the three last, it would belong to other nations to do that; and we know full well that they would not consent to it. With respect to forts, martello towers, and multiplication of treaties with black chiefs, if they are to be looked upon as the principal means of our suppressing the slave trade, they become, instead of secondary aids, little better than means for blinding the people of England to the true merits and real state of the case. When I see the fact, that with the assistance of our squadron we are making no advance, but on the contrary losing ground, I am compelled to consider the question in its whole



breadth, and to set aside those feelings which certainly would have inclined me, if I could have done so, to accede to the policy which has been hitherto pursued, and, more especially, because I confess that I think it is impossible to point to any one definite measure as a substitute for the present system of repression by force, which will at once attain the end we have in view. But I must protest against simply, as I have said before—against anything like indifference on the part of the British Government to follow the abandonment of that repression by force. I apprehend under any circumstances the British Government will use effectual means for preventing its own subjects from engaging in the slave trade. I confess I see no reason why the British Government should not give aid in cases such as that of the Portuguese settlement upon the eastern coast, where the parties are endeavouring to put down the slave trade. With respect to Cuba and Brazil, I do not think full justice has been done to either of those countries. The abolition of slavery in Cuba has been alluded to as a great triumph of our squadron. But why, then, has the importation of slaves been increasing in Brazil? By what magic, or charm, or secret influence was it that our cruisers always happened to hit upon the vessels intended for Cuba, and so seldom upon those intended for the Brazils? These vessels were all taken on the coast of Africa; and if the amount of captures averages only 6 or 7 per cent upon the whole, how was it that all were destined for Cuba, and so few for the Brazils? With respect to the Brazils, he believed it nothing better than most unmitigated iniquity to say that the feelings of the people there were dead to every manly and Christian feeling. Are there no persons in Brazil who are opposed to slavery? The noble Lord at the head of the Foreign Office stated, in his evidence before the Committee, that there was a considerable party growing up in the Brazils on the principle of anti-slavery. I ask you to consider the position and prospect in which the members of that party stand, and how their secret influence and power of doing good is affected by your present system. The result of your present system must, I think, inevitably come in contact with the spirit of national independence in Brazil. I ask what would have happened to us, supposing our case, sixty years ago, had been that of Brazil

at present? We were then pursuing the slave trade, and were the greatest slave-traders in the world. Suppose there had been some other nation, which was then half a century more advanced than us in the career of humanity and philanthropy, who abolished the slave trade for itself, and, acting upon its conscientious feelings, prevented us from getting any slaves, and in negotiations with us compelled us to the adoption of measures painful and repulsive to our feelings—I say in that state of things the progress of liberal opinions in this country would not have endured that interference, and the blood of every Englishman would have risen against the foreign intervention. If that would be our case 50 or 60 years ago, why may it not be the case of Brazil now? I say, therefore, it is not visionary to look for that better growth of feeling in the people there. It should be remembered also that the immediate instruments of the slave trade are not Brazilians. The planters are Brazilians, but the slave merchants are Portuguese; and I think it was shown in the evidence before the House of Commons, as well as in that given before the House of Lords, that these Portuguese merchants are looked upon with jealousy by the people, that they are not popular in Brazil, and that therefore there is an additional ground for hope afforded that the feelings of the people there will alter. But, independently of the feelings of humanity and religion—independently, I say, of those feelings derived from the Christian religion which they profess—I contend that motives of policy will come in aid of those better feelings for suppressing the slave trade, should the squadron be withdrawn. Mind, I do not say that the immediate effect of the withdrawal of the squadron would not be to increase the importation of slaves. That I think not impossible. Such might naturally be the case at first after abandoning suppressive measures. But, considering that the price of slaves in Brazil diminished one-half, whilst our squadron was being decreased, I am inclined to agree with Sir Charles Hotham, when he says that the commercial wants of the country regulate the supply. But it ought also to be recollected, that of the 6,500,000 of the population of Brazil, about 900,000 and odd are whites, and six-sevenths free blacks, Indians, and negroes; and, under these circumstances, I think that prudential considerations alone would speedily bring

about the effect of limiting within narrow bounds the importation of negroes. But we have been told by the noble Lord, and by an abundance of other witnesses, that there is already this anti-slavery feeling in Brazil, and that we ought not to do anything to thwart it. Sir, there was a time when the Brazilian Government were disposed to make those overtures which are now desired. Ten years ago they made a proposition to the Government of this country for the extinction of the slave trade. That proposal did not meet with the favourable reception it deserved, although I think it was made in a *bond fide* spirit; and I therefore say, that however much you may deplore the policy of Brazil, you are not justified in saying, if the squadron is withdrawn, there will be an unlimited accession to the slave trade. I think, on the contrary, they would impose regulations on that slave trade, that they would endeavour to mitigate the sufferings of the slaves, and would introduce other measures in that direction. Sir, my hopes are more slender than I could wish, and than I have had pointed out to me in connexion with the present system; for it appears to me that whatever may have been the zeal and activity you may have employed—whatever the liberality in the expenditure of public money—whatever the valour and skill of our officers, and the success of our treaty engagements with other nations, the object you have in view eludes your grasp; the slavetrader mocks your vigilance; and while you are in pursuit of that end which philanthropists hold most dear, you are only increasing those sufferings which it is your object and your desire to prevent.

LORD J. RUSSELL: Sir, I own that I am more anxious than I ever remember to have been before, that the House, in coming to a decision on this subject, should be impressed with a due sense of its importance. It is a subject, I think, the importance of which it is quite impossible to exaggerate, or even to state in its full bearing. But, Sir, to give some idea of its importance, allow me to remind the House that at the beginning of this century England had slaves in all her colonies—that we carried on and permitted the slave trade—and that the other Powers of Europe which possessed colonies likewise sanctioned slavery. In the course of time—almost at the beginning of this century, we have seen the Parliament of England abolish the slave trade; we have seen Eng-

land, by the Treaty of Paris, make stipulations with all the nations of Europe declaring the condemnation of the slave trade; we have seen slavery itself abolished by an Act of the English Parliament; we have seen the slave trade practically, effectually, and entirely abolished, both by France and the United States; and we have seen slavery itself, very lately, abolished in France and Denmark. We have seen, likewise, that countries in Africa, which, not many years ago, were the strongholds of the slave trade, have been rescued from that criminal traffic, and the peaceful rights of industry and trade flourish in those countries which had been the temples of that horrible idol. Sir, it is these triumphs of humanity which I have shortly enumerated, which, having now been won for half a century, we are asked to stultify, by a retrograde step—by undoing all that which we have hitherto done—proclaiming to the world by this first step that we will no longer take those measures against the slave trade which we have hitherto taken—that we have no substitute to put in their place, and thereby spreading discouragement in every part of the world, and amongst those nations which, admiring our example, and feeling the truth of those Christian maxims we have professed, and wishing practically to act in the same manner, are endeavouring to follow those maxims, and abolish this horrible crime. To refer only to that country to which the right hon. Gentleman last alluded, namely, Brazil. The right hon. Gentleman states that my noble Friend near me gave evidence to the effect that a party in Brazil had sprung up hostile to the slave trade. But since that evidence was given, later accounts have come from Brazil; and those later accounts, I am sorry to say, represent that party as utterly extinct. But, Sir, I do not think the right hon. Gentleman, in the beginning of his speech, gave a very correct account of the objects and effects of this Motion. He said that it was necessary, as a first step, and in order that we should be free to consider what we should hereafter do, that we should relieve ourselves of those treaty obligations which we have with France. Now, every Gentleman will remember that the treaty with France arose from the repugnance felt in France, and from the objections expressed in the French popular Assembly, to allowing a right of search to us; they will remember, also, that, as a substitute, it was proposed

to put cruisers on the coast of Africa, in order to prevent the desecration of the French flag. That treaty has been most faithfully observed by France, although the numbers of vessels have been diminished; but I do not say that France and America, or any other country, has manifested the same zeal for carrying out the object which this country has had in view. I have no doubt that if France were asked to relieve you of that obligation, you would be relieved. But if this were done, I ask, could you take that course with respect to the slave trade which you now do? Would not the effect be that every French slaver would hoist the French flag as a cover for his operations, and that you would not have the power to ascertain whether such vessels were pirates, or *bond fide* vessels of France? If such a course were taken, the flags of France and America would be used as a cover for the slave trade, and Great Britain would have no means of checking the system. But I think, Sir, it was hardly worth while for the right hon. Gentleman to put forward the excuse he did for the Motion, as the hon. Gentleman who introduced it and the hon. Gentleman who seconded it did not disguise that they thought this preliminary step necessary—that their object was to restore the slave trade, and, as the hon. Gentleman who seconded the Motion called it, free trade in slaves. Sir, it is that Motion which I am prepared to meet, and which I ask this House not to sanction. But in asking the House not to sanction the Motion, I do not wish to preclude any consideration of the subject which may hereafter be thought advisable. I do not wish to prevent the consideration of any substitute which may appear to the Government or to the Members of this House necessary to secure the better suppression of the slave trade. What I denounce, however, and what I ask the House not to sanction, is simply the reversal of all our past policy, and your saying that you will not take measures for putting down the slave trade by a marine force, or by any other means. Reference has been made to certain evidence given on this subject, alleged to be unfavourable to the carrying on these suppressive measures. But the language used was not to induce the Government or the country to relinquish these means of suppression, but to induce it to sanction additional means, those in force not being sufficient. There is all the difference in the world between using an argument of this kind, and saying

that we must give up the task altogether. He heard a little while ago an eloquent speech in this House in favour of the extension of education; and in the course of his statement the hon. Member for Oldham, who brought the subject forward, alluded to the increase of crime and to the number of committals, and showed the insufficiency which existed in the means of repression through the police, the courts of justice, and the gaols, and he therefore urged the adoption of an additional mode of repression by means of education. That hon. Gentleman, however, did not say that, because the existing means of repression have proved insufficient, and as crime has increased, in spite of the police, the courts of justice, and the gaols, therefore we should abolish all of them. This is just the difference between his argument and the argument of the hon. Member who brought forward the present Motion. The hon. Gentleman the Member for Oldham said the means provided by the criminal law for the repression of crime have not proved sufficient, therefore take other means in addition to those you already have. The hon. Member for Gateshead says, in 1849, the means for the repression of the slave trade did not prove sufficient; therefore, let us take off all our ships instantly from the coast of Africa, and put an end to the blockade at all risks. The right hon. Gentleman the Member for the University of Oxford speaks of various means which made him think that the means of repression by a squadron are not effective; but in this the right hon. Gentleman made some statements which, if I went through, I should be able to show were not justified by the documents before him. The right hon. Gentleman alluded to the mortality on board the ships previous to Sir William Dolben's Act. I have reason to believe that the returns made on this subject are not of a very accurate character. Indeed Dr. Cliffe said that he gave these returns to Mr. Bandinel, but they were very inaccurate, and were founded on very uncertain data. But, then, the right hon. Gentleman suggests that the trade may be regulated; but there is no certainty or even probability to justify him in thinking so, or to lead to the conclusion that the Government of Brazil would be able so to regulate the middle passage during which such cruel sufferings take place. If we look to the evidence published we shall see there was no prospect of such a measure. My right hon. Friend the President

of the Board of Trade, stated the grounds of his opinion on this point; I therefore need not go further into it. It has been stated that, on the ground of humanity, this Motion should be adopted, as the squadron for the suppression of the slave trade aggravated the evils of the middle passage. Sir Charles Hotham, whose evidence has been so much relied upon, and whose testimony has been regarded with such high respect, says directly the reverse, and also says that if the trade was set entirely free they could not find the means of transporting the additional number of slaves, and therefore the horrors of the slave trade would be increased. Captain Matson also told the Lords' Committee, in answer to the question as to whether there would be more humanity in the traffic of slaves if the squadron was removed, replied that he doubted whether there would be more or less, as they would be crowded as much as ever in the voyage across; and he adds, if the slave treaties were at an end, he did not believe the life of a slave in Brazil would be worth a year's purchase. This would arise from the cheapness of the slaves. He was asked whether he did not think the presence of the squadron added to the sufferings of the slaves on their passage: in reply he said he knew the time when the slave trade was a legal commerce, and the sufferings were as great as afterwards. The slaves were sent in the worst class of vessels, generally ships with deep holds, in which many were placed, and there were two tiers of planks all round the interior of the vessel, and the only admission of air to the slaves was down the centre of the ship, but they were now conveyed in smaller vessels, but on only one deck, so that their sufferings were not probably so great. Such were the opinions of Sir Charles Hotham and Captain Matson, who also considered, from the nature of the vessels which would be employed in the trade, that the disease and sufferings of the slaves in their passage would be greater if they set the slave trade free, than if they continued the present system of repression. One of the main reasons which has been urged in favour of this proposition is the economical one of saving expenditure. As we proceeded in the debate, so far as the ground of economy was concerned, I very much felt the little force there was in favour of those who supported the Motion on this ground. The hon. Gentleman who made the Motion said that the expenditure under this head

amounted to 700,000*l.*, or probably to 800,000*l.* But when we came to estimate the charge, I find that Sir Charles Hotham said that if the squadron was withdrawn we should still have to keep ten or twelve vessels on the coast of Africa where we now keep twenty-six. Thus, then, it appears that, whatever course we might take we should still be liable to nearly half the expenditure. The right hon. Gentleman the Member for the University of Oxford, said he would not give up all the force while they had the means of representing the slave trade; for if he found Portugal wishing to suppress that traffic, he should wish this country to aid it. But how was this to be done? By means of advice and moral example; from which I fear little would be gained, or by means of our sailors and marines? If the right hon. Gentleman means the latter, then the object of this Motion would be defeated. I think, therefore, it is impossible to believe that we can diminish the sufferings of the middle passage; on the contrary, that we shall aggravate it by withdrawing our squadron—that is to say, if we abandon the coast of Africa altogether, and give up that protection to our commerce which, in all other parts of the world, is thought necessary, and which, I say, we never can do, for if ever there was a commerce in the world for the protection of which a British naval force should be present to give aid, it was to that British commerce which had sprung up in those places where slavery formerly existed, and which must be given up, unless it received protection. Sir Charles Hotham said on this point, that the lives of British subjects would not be safe without some force on the coast; and the great witness of the Committee (Dr. Cliffe), upon whose testimony so much reliance has been placed on the other side, said something to the same effect, for he stated that there would be a great deal of angry passion and revengeful feeling existing on the coast of Africa, in consequence of the attempts made by Great Britain to repress the slave trade, so that violence towards British subjects might be anticipated; it, therefore, would be necessary to keep up some force. If these are the main reasons which have been brought forward for the Motion, I ask the House to consider what would be the evils its adoption would produce? I will here, again, state the opinion of Sir Charles Hotham on this point. He was asked what would be the effect of withdrawing the squadron,



and his reply was that he entertained the opinion that the withdrawal of the squadron would be most injurious to the honour of this great country which had for such a long period contended for the destruction of the slave trade, if this was done, and nothing substituted in its place. Sir Charles Hotham may be right or wrong in this opinion, but it is a fair question for Parliament to consider whether this country may not substitute for the present system another more effective one for the suppression of the slave trade; but do not proceed, with the hon. Gentleman, to withdraw and sweep away the present plan without the substitution of any other. My first objection to the plan is, that it would be highly injurious to the honour of the country; in the next place, I think, without a greater force than that which we now keep up, we can preserve from the slave trade those parts of Africa which have been rescued from the horrors of it. If the squadron was removed there would be such an immense rush to purchase slaves at the opening of the slave trade, that attempts would be made by violence to substitute in those parts the slave trade for that legitimate commerce which now existed there. We must recollect that the slave trade existed there formerly, and had been destroyed; but when you consider the high profit of the slave trade on the African coast, the chiefs seeing the indifference of England to the revival of the trade, they might be induced to change their system, if effectual means were not taken to protect English commerce from attacks. My next objection is, that such an impetus would be given to the slave trade that it would destroy all civilisation in Africa, and it would put an end to all hopes of introducing civilisation and Christianity into the interior of Africa, and no hopes could then be entertained that the slave trade would ever be suppressed. In the next place, we must consider the effect which would be produced by an immense importation of slaves under a free slave trade into Brazil. We may gather from the evidence of Lord Howden the enormous profits of this trade. That noble Lord had stated, when examined before the Committee of the other House, that a cargo of slaves which cost 5,000 dollars on the coast of Africa, sold in Brazil for 25,000, thus making 500 per cent profit on the venture. If such was the gain and profit in this trade, numbers of small capitalists would enter into it, and might reduce the profit a little by competi-

tion; but an immense quantity of the slaves would be destroyed in the passage. It is at present stated, that there are in Brazil immense tracts of land as well adapted for the cultivation of sugar as the finest portions of Trinidad or Demerara, and if there was an opening for the free admission of slaves, those parts of Brazil would be cultivated for sugar. I need hardly say, an immense deal of suffering would follow. The right hon. Gentleman the Member for the University of Oxford said that he would put the question as to whether the mass of human suffering would increase or diminish by passing this resolution. I say there can be no doubt that, under the circumstances I have stated, there would be an immense increase of suffering in Africa, an immense increase in Brazil by the extension of the African slave trade, and the introduction of such a mass of slaves into Brazil. Now, what are the speculations going on at Brazil at the present time? On seeing the Committee which sat last year and the year before had made a report, they entertained the opinion that it is probable this country will abandon all efforts for the suppression of the slave trade, and that thus they can obtain an unlimited supply of slave labour. Some, indeed, go so far as to say that they should be able to cultivate sugar at such a cheap rate that no country could compete with them, so that they would furnish the whole supply of sugar for the European markets. It is admitted on all hands, and it is supported by the testimony of all the witnesses examined, that if our squadron were removed in the first instance, there would be an immense importation of slaves into Brazil. Conceive, then, the effect of this immense production of sugar, and what would follow? This brings me to another question, which the right hon. Gentleman lightly touched upon, but with which our honour and interests are deeply involved. I mean the effect that would be produced on our West India colonies by the competition with Brazil, if we thus set free the slave trade. I am not going to argue the question of the sugar duties of 1846, but I fully admit that by the abolition of slavery in our colonies in 1833, and by the abolition of the prohibitive duties on slave-grown sugar in 1846, we have placed our West Indian colonists at great disadvantage. I am happy to feel, however, that the opinions I stated on both those occasions, that they would be able to bear these shocks,

and would found the cultivation of sugar on a new basis, have not been entirely disappointed. On the contrary, I observe, in the returns of the produce of sugar in 1849, that there has been a great increase since 1845 and 1846. The quantity produced in 1849 was greater than that produced in 1846, and it is now shown that the Africans who immigrated into the West Indian colonies, will work for less wages than they formerly demanded. But after these great advances, would it be reasonable or expedient, by allowing an immense increase in the number of slaves in Brazil, to set the produce of that great number of slaves against the produce of our West Indian colonies? It would be more than the West India islands would be able to bear. They would be unable to stand under such competition. That of itself would not only be a great misfortune, as regards our interests, but a great misfortune in the contest between free and slave labour. But there are other and conclusive reasons against the Motion now proposed. In the first place, it would give a great and increased activity to the slave trade. It would disturb the civilisation of Africa, and would expose to ruinous competition the produce of the free labour of the West Indies. But the right hon. Gentleman asked what it is that we propose to do in carrying out the present system. Now, Sir, during the last three years, I believe that we have, on the coast of Africa, been making great progress in the abolition of the slave trade. That it has not been utterly suppressed—that it will not utterly be suppressed by the means in use, I admit; but the greater the territory to be civilised, and the greater the area from which the slave trade is excluded, the less is the evil with which you have to cope, and the more amenable it will become. The Committee are indeed careful to reprobate all usages of force. They tell you that the destruction of barracoons, the infliction of the pains and penalties of piracy on the captains and crews of slavers, are not to be thought of as remedies for the evil to be dealt with. Now, for my own part, I think that the destruction of barracoons and the capture of forts on the coast of Africa, are most powerful means for the suppression of the slave trade in the territories immediately under our control. All the evidence we have, proves this to be the case. I expect, therefore, much advantage from continuing the destruction of those barracoons. Now, Sir, allusion has been made to the opinion of

Europe as to our policy and our efforts for the destruction of the slave trade. In what I have already stated, I mentioned that a great change in the public opinion of Europe had taken place since the commencement of our efforts. My opinion is, that if you were to address the different Powers of Europe, that you would find opinion to be now more enlightened on this subject than it was when, in 1815, we began to inform them of our views in relation to slavery. I believe that if England, France, and the United States of America, having each of them suppressed their own slave trade, were to use language not unfriendly, but at the same time firm, to Spain and to Brazil—that such language from countries so united, so free, and so powerful, would have a very great effect indeed. That Spain and Brazil would despise that warning, I am not ready to believe. If they did so—if they took no measures for the suppression of the trade, then you would again have to consider the whole question—to consider what progress you had made—whether the slave trade had been more depressed in the current year than in the last—and what are the means for its most effectual abolition. That there are such means I do not think anybody will deny, but they are means condemned and reprobated by the majority of that Committee, who, having been appointed to consider the best means for the effectual abolition of the slave trade, appear to have had no other thought than how to condemn and reprobate the very means by which the slave trade can be extinguished, and how best to leave alive and unhampered the means by which it can be fostered and nurtured. But as to the suppression of the slave trade I will not despond—I believe despondency in a great cause to be in itself a main cause of failure. I can imagine a man saying in 1814, that for three centuries the Algerines have carried on their trade of plunder, piracy, robbery, and the carrying into captivity of Christians—that as this scheme had lasted for three centuries, no one could be so wild, so utopian, and so insane as to expect it to be put an end to. Sir, the very next year saw the termination of that practice of three centuries, and the scheme of carrying Christians into captivity put an end to and abolished. Sir, if this cause is so good as to have enlisted the different nations of the world in its favour—with the exception only of Spain in one of its colonies, and of the empire of Brazil—then I consider it to

be a cause anything but hopeless. Nothing can destroy it, save such an amount of moral courage as the hon. Gentleman the mover of this Motion displays. Nothing but our being fainthearted on this subject, and saying that we are unable to cope with the great evils to be met, will finally give a permanent sway and supremacy to the slave trade. There are, Sir, other considerations and other motives which may influence the House in coming to a decision on this question. Sir, we have been blessed with great mercies during the past year. We have more than once had to thank Almighty God for the dispensations of his goodness. It appears, then, to me that if we were now to say that the trade in man—that this unhallowed and cruel traffic, against which England for near fifty years has been working by the efforts of her greatest statesmen and her best and bravest sailors—that if we were to decide to allow this trade to be pursued freely and unhampered, that we should no longer have a right to expect a continuance of the signal blessings which we have enjoyed. I think, Sir, that the high, the moral, and the Christian character of this nation, is the main source and secret of its strength; and that if this night you come to direct the Foreign Minister of the Crown to go forth with a dastardly message to France; that if we give up this high and holy work, and proclaim ourselves to be no longer fitted to lead in the championship against the curse and the crime of slavery, that we have no longer a right to expect a continuance of those blessings which, by God's favour, we have so long enjoyed.

LORD R. GROSVENOR wished to be allowed to explain the reasons of the vote which he would this night give against a Government the general policy of which he cordially concurred with. He would support the Motion of the hon. Gentleman the Member for Gateshead, because he thought that its success would prevent this country from continuing to attempt the moral government of the world on principles which, to his understanding, had ever been and were still condemned by the moral Governor of the Universe in every page of his works.

MR. HUTT, in reply, was understood to complain that it had been unwarrantably assumed by the opponents of his Motion that he had no plan for the abolition of the slave trade in reserve, but at that late hour he would not take up the time of the House by its development.

Question put.

The House divided :—Ayes 154; Noes 232 : Majority 78.

*List of the AYES.*

Aglionby, H. A.	Hastie, A.
Alcock, T.	Heneage, G. H. W.
Archdall, Capt. M.	Henry, A.
Bagot, hon. W.	Herbert, H. A.
Baldwin, C. B.	Hervey, Lord A.
Bankes, G.	Heyworth, L.
Beresford, W.	Hildyard, R. C.
Berkeley, hon. G. F.	Hildyard, T. B. T.
Best, J.	Hodgson, W. N.
Boldero, H. G.	Hornby, J.
Bouverie, hon. E. P.	Hudson, G.
Bramston, T. W.	Hume, J.
Bright, J.	Jackson, W.
Broadley, H.	Jocelyn, Visct.
Bulkeley, Sir R. B. W.	Jolliffe, Sir W. G. H.
Buller, Sir J. Y.	Keating, R.
Burroughes, H. N.	Ker, R.
Cabbell, B. B.	King, hon. P. J. L.
Carew, W. H. P.	Knight, F. W.
Castlereagh, Visct.	Knox, Col.
Cavendish, hon. C. H.	Langston, J. H.
Cayley, E. S.	Lennox, Lord A. G.
Charteris, hon. F.	Lennox, Lord H. G.
Chatterton, Col.	Leslie, C. P.
Childers, J. W.	Lockhart, W.
Christopher, R. A.	Lowther, hon. Col.
Cobbold, J. C.	Mandeville, Visct.
Cobden, R.	Mangles, R. D.
Cocks, T. S.	Manners, Lord G.
Colebrooke, Sir T. E.	Manners, Lord J.
Coles, H. B.	March, Earl of
Colville, C. R.	Masterman, J.
Damer, hon. Col.	Maxwell, hon. J. P.
Deedes, W.	Meux, Sir. H.
Denison, J. E.	Miles, W.
Dick, Q.	Milner, W. M. E.
Duckworth, Sir J. T. B.	Molesworth, Sir W.
Duff, G. S.	Mowatt, F.
Duncan, Visct.	Mundy, W.
Duncan, G.	Muntz, G. F.
Duncombe, hon. A.	Naas, Lord
Duncombe, hon. O.	Newry & Morne, Visct.
Dundas, G.	Ossulston, Lord
Du Pre, C. G.	Packe, C. W.
East, Sir J. B.	Palmer, R.
Ellis, J.	Pilkington, J.
Estcourt, J. B. B.	Plowden, W. H. C.
Evelyn, W. J.	Portal, M.
Farrer, J.	Prime, R.
Fitzroy, hon. H.	Rendlesham, Lord
Fordyce, A. D.	Renton, J. C.
Forester, hon. G. C. W.	Rushout, Capt.
Fox, S. W. L.	Salwey, Col.
Frewen, C. H.	Sanders, G.
Fuller, A. E.	Scholefield, W.
Galway, Visct.	Seymer, H. K.
Gaskell, J. M.	Sibthorp, Col.
Gladstone, rt. hon. W. E.	Simeon, J.
Gooch, E. S.	Smith, J. B.
Gore, W. R. O.	Smyth, J. G.
Greene, J.	Smythe, hon. G.
Grosvenor, Lord R.	Smollett, A.
Gwyn, H.	Sotheron, T. H. S.
Hall, Sir B.	Stafford, A.
Hallyburton, Lord J. F.	Stephenson, R.
Halsey, T. P.	Stuart, Lord D.
Hamilton, J. H.	Stuart, H.

Stuart, J.  
Sturt, H. G.  
Sullivan, M.  
Tancred, H. W.  
Taylor, T. E.  
Thesiger, Sir F.  
Thicknesse, R. A.  
Thompson, Ald.  
Trelawny, J. S.  
Trevor, hon. G. R.  
Tyrell, Sir J. T.  
Vane, Lord H.

Verner, Sir W.  
Waddington, H. S.  
Walmsley, Sir J.  
Walsh, Sir J. B.  
Walter, J.  
Wegg-Prosser, F. R.  
Wood, W. P.  
Wortley, rt. hon. J. S.

## TELLERS.

Hutt, W.  
Baillie, H. G.

*List of the NOES.*

Abdy, Sir T. N.  
Acland, Sir T. D.  
Adair, R. A. S.  
Adderley, C. B.  
Anderson, A.  
Anson, hon. Col.  
Armstrong, Sir A.  
Armstrong, R. B.  
Arundel and Surrey,  
Earl of  
Ashley, Lord  
Bagshaw, J.  
Bailey, J.  
Baines, rt. hon. M. T.  
Baring, H. B.  
Baring, rt. hon. Sir F. T.  
Barnard, E. G.  
Bellew, R. M.  
Berkeley, Adm.  
Berkeley, C. L. G.  
Bernal, R.  
Birch, Sir T. B.  
Blackall, S. W.  
Blair, S.  
Blake, M. J.  
Blakemore, R.  
Blandford, Marq. of  
Booth, Sir R. G.  
Bowles, Adm.  
Boyle, hon. Col.  
Brand, T.  
Brocklehurst, J.  
Brockman, E. D.  
Brotherton, J.  
Browne, W.  
Browne, R. D.  
Bunbury, E. H.  
Buxton, Sir E. N.  
Campbell, hon. W. F.  
Cardwell, E.  
Carter, J. B.  
Cavendish, hon. C. C.  
Cavendish, W. G.  
Chaplin, W. J.  
Chichester, Lord J. L.  
Christy, S.  
Clay, J.  
Clerk, rt. hon. Sir G.  
Cole, hon. H. A.  
Collins, W.  
Corry, rt. hon. H. L.  
Cowan, C.  
Cowper, hon. W. F.  
Craig, Sir W. G.  
Currie, H.  
Dawson, hon. T. V.  
D'Eyncourt, rt. hon. C. T.  
Dodd, G.

Douglas, Sir C. E.  
Duff, J.  
Duke, Sir J.  
Duncuft, J.  
Dundas, Adm.  
Dundas, rt. hon. Sir D.  
Dunne, Col.  
Ebrington, Visct.  
Edwards, H.  
Ellice, E.  
Elliot, hon. J. E.  
Enfield, Visct.  
Evans, Sir D. L.  
Evans, J.  
Evans, W.  
Fagan, W.  
Fergus, J.  
Ferguson, Col.  
Filmer, Sir E.  
Fitzwilliam, hon. G. W.  
Forster, M.  
Fortescue, C.  
Freestun, Col.  
French, F.  
Goddard, A. L.  
Gordon, Adm.  
Grace, O. D. J.  
Greenall, G.  
Grey, rt. hon. Sir G.  
Grosvenor, Earl  
Hanmer, Sir J.  
Harcourt, G. G.  
Hardcastle, J. A.  
Harris, R.  
Hastie, A.  
Hatchell, J.  
Hawes, B.  
Hayter, rt. hon. W. G.  
Headlam, T. E.  
Heald, J.  
Heathcoat, J.  
Herbert, rt. hon. S.  
Heywood, J.  
Hobhouse, rt. hon. Sir J.  
Hobhouse, T. B.  
Hodges, T. L.  
Hogg, Sir J. W.  
Hollond, R.  
Hood, Sir A.  
Howard, Lord E.  
Howard, hon. C. W. G.  
Howard, hon. J. K.  
Howard, hon. E. G. G.  
Howard, P. H.  
Inglis, Sir R. H.  
Jermyn, Earl  
Jervis, Sir J.  
Johnstone, Sir J.

Jones, Capt.  
Keppel, hon. G. T.  
Kershaw, J.  
Labouchere, rt. hon. H.  
Lacy, H. C.  
Lascelles, hon. W. S.  
Lemon, Sir C.  
Lennard, T. B.  
Lewis, rt. hon. Sir T. F.  
Lewis, G. C.  
Lindsay, hon. Col.  
Littleton, hon. E. R.  
Loch, J.  
Lygon, hon. Gen.  
Mackie, J.  
Mackinnon, W. A.  
Macnaghten, Sir E.  
M'Cullagh, W. T.  
M'Gregor, J.  
Mahon, The O'Gorman  
Marshall, J. G.  
Marshall, W.  
Martin, J.  
Martin, C. W.  
Matheson, Col.  
Maule, rt. hon. F.  
Melgund, Visct.  
Miles, P. W. S.  
Milnes, R. M.  
Milton, Visct.  
Mitchell, T. A.  
Moffatt, G.  
Moore, G. H.  
Morison, Sir W.  
Morris, D.  
Mostyn, hon. E. M. L.  
Mulgrave, Earl of  
Norreys, Lord  
O'Connell, M.  
O'Connell, M. J.  
Ogle, S. C. H.  
Ord, W.  
Owen, Sir J.  
Paget, Lord A.  
Paget, Lord C.  
Paget, Lord G.  
Pakington, Sir J.  
Palmer, R.  
Palmerston, Visct.  
Parker, J.  
Pechell, Sir G. B.  
Peel, rt. hon. Sir R.  
Peel, F.  
Pelham, hon. D. A.  
Perfect, R.  
Pigott, F.  
Pinney, W.  
Plumptre, J. P.  
Power, Dr.  
Power, N.

Pusey, P.  
Rawdon, Col.  
Reid, Col.  
Repton, G. W. J.  
Reynolds, J.  
Ricardo, J. L.  
Ricardo, O.  
Rich, H.  
Robartes, T. J. A.  
Romilly, Col.  
Romilly, Sir J.  
Rumbold, C. E.  
Russell, Lord J.  
Russell, hon. E. S.  
Russell, F. C. H.  
Sandars, J.  
Scully, F.  
Seymour, Lord  
Sheil, rt. hon. R. L.  
Shelburne, Earl of  
Sheridan, R. B.  
Smith, rt. hon. R. V.  
Smith, J. A.  
Somerville, rt. hon. Sir W.  
Spooner, R.  
Stanley, hon. E. H.  
Stanton, W. H.  
Strickland, Sir G.  
Stuart, Lord J.  
Talbot, J. H.  
Tennent, R. J.  
Thompson, Col.  
Thornely, T.  
Towneley, J.  
Townley, R. G.  
Townshend, Capt.  
Tufnell, H.  
Turner, G. J.  
Verney, Sir H.  
Vesey, hon. T.  
Villiers, hon. C.  
Wall, C. B.  
Walpole, S. H.  
Watkins, Col. L.  
Wawn, J. T.  
Wellesley, Lord C.  
Westhead, J. P. B.  
Willcox, B. M.  
Williams, J.  
Willyams, H.  
Williamson, Sir H.  
Wilson, J.  
Wilson, M.  
Wodehouse, E.  
Wood, rt. hon. Sir C.  
Wyld, J.  
Wyvill, M.

## TELLERS.

Hill, Lord M.  
Grey, R. W.

The House adjourned at a quarter after  
Two o'clock.

## HOUSE OF COMMONS,

Wednesday, March 20, 1850.

MINUTES.] Reported.—Small Tenements Rating.  
2 Q



## SMALL TENEMENTS RATING BILL.

On the Motion that the House go into Committee on this Bill,

MR. P. SCROPE protested against the measure being proceeded with, and regretted that Her Majesty's Government had not interfered to stop it. It was a measure of great importance to a large class of the community, for it proposed to alter the position of the owners and occupiers of property to the number of two millions. One million of this number were at present excused altogether from the payment of poor and highway rates ; but this measure was intended to impose rates upon them to the extent of 500,000*l.* annually, for the benefit of owners of property. It might be said it was a measure to relieve the occupier, and place the burden upon the owner ; but, to his mind, it appeared certain that if the owners were made liable to the rates, they would screw them out of the occupiers in the shape of increased rent. What would be its effect upon the owners of cottage property ? The owners of this kind of property might be divided into two classes. The first were those landlords who, from benevolent motives, built houses for the accommodation of their neighbours, and let them upon a moderate rent. The Bill would impose rates upon them, whether they received a fair rent or not. The Duke of Bedford, for example, had recently built 500 or 600 cottages for his tenants and labourers. This Bill would impose poor and highway rates upon the noble Duke for all those houses. In this respect, therefore, it would operate to check the extension of small tenements for the occupation of the poor. Lord Ward, also, was the owner of 1,400 cottages, which had been built by his father for the accommodation of the labourers upon his estate. Under this Bill the noble Lord would be liable for the rates in respect of all those cottages, which, upon a moderate estimate, would be 1*l.* each. A tax, therefore, of 1,400*l.* a year would be imposed upon Lord Ward for having built cottages for the accommodation of the labouring classes. The other class of owners were those who built houses upon speculation, and who looked mainly for their profit to an increased population creating a demand for houses. The effect of the Bill upon this class would be, to discourage their proceedings. He opposed the measure, therefore, because it tended to make houses scarcer and dearer than they were at present to the poorer classes

of the community. Another consideration was, by an *ex post facto* law, it would impose a tax upon tenements already built. In the houses occupied by the wealthy all the rates were paid by the occupier, and he contended that the Bill sanctioned a departure from the uniform practice of the country in this respect since the 43rd of Elizabeth. He should not divide the House upon the question, but he hoped that in Committee the clauses would be carefully considered, and that time would be given before the third reading for the country to consider the nature of the measure.

MR. ROBERT PALMER concurred very much with what had fallen from the hon. Member for Stroud. He thought the practical effect of rating the owners of small tenements rather than the occupiers would be to diminish any inducement people might have to build cottages for the poor. The great object in country parishes was rather to hold out inducements to do so ; but he was afraid that when a landlord who might be desirous to build comfortable cottages found that he was to be saddled with rates for so doing, he would, in many instances, give up his intentions. He was perfectly aware that the chief ground on which the measure was brought forward was to render it more convenient to collect the rates from small tenements. He admitted that inconvenience was at present felt ; but still he thought that where people had laid out the savings of a long life of industry in the purchase of a small portion of land, and had, besides, invested money in the erection of a building on the faith of the law as it now stood, it would be unfair, by means of an *ex post facto* law, to impose upon them a rate in the way proposed by this Bill. He thought, however, that his hon. Friend had acted wisely in not dividing the House at this stage, considering the great majority that voted in favour of the Bill on the second reading.

MR. E. B. DENISON had always objected to the system of exempting particular persons from the payment of rates, because he was aware that in many cases the persons who asked for mitigation or relief were the mere agents of the owners. This was quite notorious. Tenants pleaded they were unable to pay ; the authorities relieved them from the rate, and the landlord, in the end, got the benefit. He should be glad to see magistrates relieved from the unwholesome power of remitting poor-rates

to the lower class of tenants, because the relief was, in fact, in such cases given to the landlords, who remained in the background.

SIR G. GREY hoped, that as the House had already affirmed the principle of the Bill on the second reading, the hon. Member for Stroud would allow the Bill to go into Committee. The hon. Member assumed that cottage property was now by law exempt from rating. Now, it enjoyed no such exemption. The exemption which magistrates were entitled to give was a personal exemption, and he believed that great inconvenience and inequality arose from the exercise of this power of exemption. It was said it was hard a retired tradesman should not be able to invest his savings in the construction of some cottages without making himself liable to the poor-rate in respect thereof. But the Bill, in fact, only placed the law on the same footing with regard to property under 6*l.* value upon which it now stood with respect to houses of between 6*l.* and 20*l.* If the retired tradesman invested his property in building houses, say of 12*l.* value, he might be made liable by the vote of a majority of the vestry to the payment of the rates upon this property. The Bill was not in the hands of the Government, but he trusted the House would go into Committee.

SIR J. PAKINGTON thought it would be better if the adoption of the measure was made compulsory instead of being left optional with the vestry. He should have moved an Amendment to that effect, but that he feared he might thereby endanger the ultimate success of the Bill. Several local Acts had been passed by the House containing these compulsory enactments. These local Acts had worked very well, while the public Act to which the right hon. Gentleman the Home Secretary had adverted, which gave an optional power to the vestry to obtain poor-rates from the landlords of houses of between 6*l.* and 20*l.* value, had remained a dead letter on the Statute-book. He was apprehensive of a somewhat similar result if the adoption of the present Bill were left to the option of the vestry instead of being made compulsory. The hon. Member for Stroud opposed this Bill on behalf of the poor; but if there were one reason more than another that weighed with him in supporting this Bill, it was because he believed it would be of the greatest possible benefit to the poor.

MR. BERNAL could corroborate the statement of the hon. Baronet, that in the greater number of local Acts which passed that House, the payment of the rates by the landlords of small cottage properties was made compulsory, and no discretion was left to the vestry. These Bills varied as to the value of the tenements for which the owner was declared liable; but they appeared to have worked well, and if the House were justified in making the operation of these local Acts compulsory, why should they not adopt a similar course in legislating for the entire country? In his opinion, the less local legislation they had the better. He considered this a measure which would work for the benefit of the poor.

MR. ELLIS gave the Bill his cordial support, believing that it would be highly beneficial.

MR. HALSEY wished to deny the charge that in bringing forward this Bill, he desired to keep down the population. He believed that the Bill would encourage the formation of a better class of houses.

The House then went into Committee.

On Clause 1,

MR. HALSEY proposed to omit the words "by a majority of two-thirds," so as to leave the adoption of the clause to be decided by a bare majority of the persons present at the vestry.

Amendment agreed to.

MR. P. SCROPE said, that by a subsequent part of the clause it required a majority of two-thirds of the vestry to rescind the order for the operation of the Act.

MR. LAW was strongly in favour of making the Bill compulsory; and, as that appeared to be the general feeling of the House, he would move to insert, after "It shall be lawful for the vestry of any parish to make the order," the words, "and they are hereby required." This would make it compulsory upon the vestry to meet and make the order.

MR. CHRISTOPHER suggested, that if the Bill were made compulsory, its success might be endangered elsewhere. He trusted, therefore, that his hon. and learned Friend would not persevere in his Amendment.

SIR G. GREY joined in the same request. No notice had been given of any Motion or Amendment to make the powers of the Bill compulsory, and it would be better to make such Motion, not in Com-

mittee, but at a subsequent stage of the Bill. If they made the Bill compulsory, then it might deserve the consideration of the House whether it might not be desirable to make a corresponding change in the law regarding houses of between 6*l.* and 20*l.* value.

MR. E. B. DENISON was in favour of making the clause compulsory, and thought that one of the most objectionable features in the present law was, that there should be any doubt upon the subject. He thought that all property ought to be rated to all rates, nor did he see why, if a speculator in cottages wished to lay out his money in building a considerable number of cottages, he should do so in the expectation that this property would be relieved from the payment of poor-rates. So long as magistrates were enabled to exempt persons from payment of poor-rates, so long would jobbing, favouritism, and partiality exist in obtaining this exemption.

MR. BAINES agreed with his hon. and learned Friend the Member for the University of Cambridge as a matter of principle, that a measure like the present ought to be compulsory in its operation. He was, however, anxious to obtain the greatest amount of good that he could procure, and he feared that if the Amendment were carried, the success of the Bill would be endangered. Still, he felt so strongly on the subject that if his hon. and learned Friend gave notice that on a subsequent stage of the Bill he would submit a clause making the Bill compulsory, he (Mr. Baines) would vote for it. The consent of a bare majority of the vestry only was required by Mr. Sturges Bourne's Act, and if that were sufficient to enable the vestry to make an order in respect of houses of from 6*l.* to 20*l.* value, he did not see why the consent of two-thirds should be necessary to make a similar order in the case of tenements below 6*l.* in value.

CAPTAIN HARRIS hoped his hon. and learned Friend would persevere in his Amendment, and protested against the doctrine that the House of Commons were not to do what hon. Members felt to be right, on some apprehension that if they did so the Bill might be thrown out elsewhere. That was not a mode of proceeding that would obtain for them the respect and confidence of the country. The optional clause in the present law had given occasion for much strong party feeling and irritation in Southampton, and other towns;

and he did not see why they should retain the same provision in the present Bill, seeing that it could not fail to create much animosity.

MR. SOTHERON recommended that the compulsory clause should not be proposed until the Bill came out of Committee.

MR. COMPTON would be sorry to do anything to risk the loss of the Bill, but he would support the proposal to make it compulsory.

MR. P. SCROPE confessed that he should prefer making the Bill compulsory. If they left it optional they would throw a firebrand into almost every parish vestry. There would be a struggle, in the first place, to obtain a bare majority in favour of the order, and then there would be a never-ending struggle to repeal it.

MR. W. PATTEN intended to propose that vestries should have the option either of making an abatement with the landlord, if he paid the rates, or of collecting the whole of the rates from the occupiers. In some cases vestries might prefer to obtain the rates from the occupiers. He thought that in cases where they elected to obtain the rates from the landlord, they ought to be empowered to make an abatement from the assessment.

MR. WALTER said, it was his intention to have proposed an Amendment similar to that of the hon. and learned Member for the University of Cambridge, and if the hon. and learned Member should press his Amendment to a division, he would vote with him. When the whole question came to be more fully considered, and after the present Bill had worked for some time, the proposal to make its provisions compulsory would not, as he believed, excite that diversity of opinion with which it was at present regarded. He contended that no species of real property, whether cottage property or otherwise, should be suffered to be exempt from poor-rates. But the question was one of convenience as well as of principle; for in cases where it happened that the owners of small tenements did not reside in the same part of the country, it was found almost impossible to collect the rates from the occupiers, and this difficulty and inconvenience were provided for by obtaining payment of the poor-rates from the landlord. This was a question in which he (Mr. Walter) took great interest, and he tendered his thanks to the framers of the Bill for having brought in a measure on

this subject. If they had not done so, he should himself have proposed, during the present Session of Parliament, some Bill of the same nature as that now before the House. With regard to the question, how far such a Bill as the present might deter landlords from building cottages, he believed that entirely erroneous views were entertained upon this point. The difficulties in the way of building cottages were of a different character, and might be referred to different sources. The law of settlement, for example, had a vast deal more to do with the building of cottages than the apprehension, on the part of proprietors, of being called upon to pay rates upon this property.

MR. W. MILNES was sorry to hear the right hon. President of the Poor Law Board express so strong an opinion in favour of making the provisions of the Bill compulsory. He hoped that the Bill would be passed in its present state, and then, four or five years hence, if it should work well, it might be made compulsory. The compulsory provision might pass this House, but elsewhere it would endanger the success of the Bill.

MR. P. HOWARD believed there would be great anxiety on the part of parish vestries to enforce the provisions of this Bill.

CAPTAIN HOWARD hoped the measure would not be made compulsory. He believed that the Bill would be a great boon to the poor, even if the landlord should make a corresponding addition to his rent. The occupiers of these tenements would much rather pay the same sum in the rent than in the form of rates, because, in the event of their temporary inability to pay their rent, they might expect to have a little time from the landlord; but, when the rate collector came round, their goods were distrained upon if they could not pay the poor-rates.

MR. E. B. DENISON wished the Committee to observe that not one hon. Member had addressed them who did not admit that the principle of this Bill ought to be compulsory. Where the danger to the Bill was to come from, when the House were so unanimous, he could not conceive. The discussion had, however, been valuable, because it would go forth to the public, and parties concerned would ascertain that the avowed opinion of the House of Commons was in favour of the compulsory principle; and they might expect that those parties would attend most diligently to the opinion so expressed by the House.

MR. CAREW believed that they had lost several Bills with the compulsory clause, still he would vote for making the Bill compulsory if it came to a division; but rather than lose the Bill, which he believed would be of great public advantage, he would support it in its present shape. He had received assurances from several vestries that they would avail themselves of the permissive powers of the Bill if it were passed in its present form.

MR. SLANEY had had charge of a Bill on this subject for three years. A Committee upstairs had sat for three months, and they decided in favour of such a measure as the present. He was also favourable to the compulsory principle. But he thought it better to discuss the proposal to make the Bill compulsory at a future stage.

SIR G. GREY repeated his opinion that so important a change in the Bill should not be proposed without distinct notice.

MR. SPOONER was decidedly in favour of the compulsory clause.

MR. LAW said, that after the suggestion of the right hon. Home Secretary, he would not press the Amendment then, but reserved to himself the power of doing so at the proper opportunity. Almost every hon. Member who had spoken was in favour of the compulsory clause.

MR. WALTER said, there was one question upon which the compulsory clause appeared to him entirely to depend, and he, for one, required to be set right on that point. It was this—whether or no, under any circumstances, the power of exempting certain cottages from rating was to be continued to magistrates, because, if that power of exemption under any circumstances was to be continued, he thought the whole object of the Bill would be defeated.

MR. BAINES said, the question was an extremely important one, and he had no doubt whatever the effect of this Bill, coupled with the 54th of George III., c. 170, s. 11, under which these excusals took place, would leave the law in this state—that with regard to cases in which the vestry determined to rate these owners, the rate would be recovered from them under the provisions of this Bill; but when that resolution in vestry was not come to, then the occupiers would continue to be rated as at present, the magistrates having the same power to excuse as they now had.

MR. HENLEY wished to guard himself



against the statement of the hon. and learned Recorder, that the Committee generally were in favour of the compulsory clause; and his reason was this, that by the law of England property was not liable to be rated. The rate was on the occupier, and he, for one, was unwilling to make a distinction between that property in which the poor alone were concerned and other property.

Amendment withdrawn.

MR. HALSEY then proposed, that in line 14 the words "rent or" should be omitted, and the word "rateable" inserted in their place.

MR. BAINES said, that Mr. Poulett Scrope's Act had laid down an invariable rule for ascertaining the assessable value of property, although it appeared that it was not so strictly adhered to as it might be. He apprehended they were to look to the definition of assessable value as given by that Act, and the words "rateable value," therefore, were the best to be inserted in this Bill.

MR. P. SCROPE said, the law as it now stood was much evaded, although considerable expense was incurred by the parishes to ascertain a correct valuation of property.

Amendment agreed to.

MR. HALSEY moved that the following proviso be added at the end of the first clause:—

"Provided always, that in every case where the owner of such tenement shall be so rated and assessed to the rates for the relief of the poor, in respect of such tenement, instead of the occupier thereof, it shall be lawful for such occupier to demand at any time to have his name substituted on the rate as the party assessed, instead of such owner; and after such demand and payment, or tender, of the last made rate, if then in arrear in respect of such tenement, such occupier shall be entitled to exercise all rights, privileges, and franchises whatsoever, as fully as if his name had originally appeared upon the rate as the party assessed."

MR. ROBERT PALMER thought it better the Amendment of which he had given notice should be moved before the proviso of the hon. Gentleman. It was to this effect:—

"Provided always, that no owner of any such tenement shall be assessed on any higher valuation than the sum at which the said tenement shall be let to any occupier thereof."

His meaning was to make this Bill operate fairly to the owners of all this kind of property. It was a common practice for persons to let cottages to labourers at very moderate rents, and under the provisions

of this Bill these owners might be rated at much more than they received.

MR. BAINES considered the Amendment of the hon. Member for Berks objectionable. Its effect would be to repeal the principle to which they had just agreed as to the rateable value. The question ought to be, what was the assessable value? and not what was the particular contract between landlords and tenants.

Amendment withdrawn.

MR. BOUVERIE then proposed to leave out all the words in the proviso of the hon. Member for Hertfordshire after the word "thereof," and that in place of them should be inserted others, that such occupiers should be entitled to be placed on the burgess roll under the Municipal Corporations Act, although they had not paid the poor-rates for such premises, provided they were otherwise duly qualified.

MR. BAINES thought the House ought not to decide that question without further consideration. He had every wish to preserve the franchise to all who now possessed it; but he could not help seeing that one consequence of the Amendment of the hon. Member for Kilmarnock would be, that the occupiers of tenements under 6*l.* would be placed on a different footing from occupiers above that amount and under 20*l.*

MR. E. B. DENISON recommended the postponement of the question, to allow time for its consideration.

MR. BOUVERIE intimated his willingness to postpone his Amendment if the hon. Member for Herefordshire would do the same with respect to his.

Proviso postponed.

MR. WYLD then proposed an addition to the clause, the object of which was to enable occupiers of tenements at a rack-rent not exceeding 6*l.* to deduct from the landlord's rent all the poor-rates and highway rates which they might pay.

MR. E. B. DENISON protested against amendments of this description being brought forward without notice. It was unfair to call upon the Committee to give an opinion at once, aye or no, upon the important point raised by this Amendment.

SIR H. WILLOUGHBY thought that the Amendment now proposed would aggravate what he conceived to be the evil tendency of the Bill; he alluded to the check it would exercise upon the benevolent intentions of landlords who built cottages and let them to labourers at a merely nominal rate. It was within his own know-

ledge that one landowner had built 1,400 cottages, and let them at 1s. each per annum.

COLONEL SIBTHORP suggested that the Committee should entertain no amendments which had not been printed with the votes.

SIR G. STRICKLAND denounced the Bill as a mischievous attempt at legislation. It was preposterous to delegate to vestries the power of deciding important questions between landlord and tenant.

MR. E. B. DENISON thought it was rather hard on those Members who were endeavouring to make the Bill perfect in its details to be met with sweeping denunciations of its principle, or amendments moved without notice. He hoped that hon. Members who had amendments to propose would be kind enough to cause them to be printed.

MR. WYLD said, he would not press his proviso then, as he believed the Bill to be a most beneficial measure. He was glad to hear from the hon. Baronet the Member for Evesham that so many as 1,400 cottages existed on the property of one person, which were let at a mere nominal rent; he wished more instances of the kind could be quoted.

Amendment withdrawn.

On the question being put that Clause 1 stand part of the Bill,

SIR J. HANMER remarked that it had been stated that the object of the Bill was to make property pay the rates, but it appeared that it was intended by it to make the owners pay the rates. He believed this Bill, if it should pass, would operate as an Act for the abolition of cottages. This was not only his own opinion, but also that of many persons in the part of the country with which he was connected. Cottages on an estate were generally very unprofitable; and he knew instances where lords of manors were owners of 300 or 400 of them, which would not be kept up if they found themselves liable for the rates. Under such circumstances he thought he was justified, at that stage, in expressing his opinion against the Bill, as this first clause involved the principle of it. If any hon. Gentleman would divide upon it he should certainly vote with him.

SIR H. VERNEY did not believe that the owners of cottages for the poor would be influenced by considerations of such a nature as had been suggested by the hon. Baronet the Member for Flint. At present in many parts of the country the cot-

tages were of a most miserable character. He knew an instance of a beershop-keeper who bought a block of thirteen cottages for 270*l.*, and they had only one privy for the whole of them, and for these places he obtained 22*l.* a year. The more wretched the cottage, the more profitable it was to the owner, because he got exempted from the rates under the plea of poverty. This Bill would affect that class of persons.

VISCOUNT EBRINGTON was sorry the hon. Baronet the Member for Flint had not made his speech on the second reading of the Bill, instead of now getting up a discussion on the principle of it when they were considering the details.

MR. P. SCROPE felt that his hon. Friend the Member for Flint was perfectly justified in the course he had taken in discussing the principle of the measure on the question being put that this clause stand part of the Bill. He doubted whether the owners of property would be induced to build cottages in consequence of the remission of the duty on bricks. He was desirous that they should exempt all small cottages from rates, for in such cases the occupiers would derive the benefit, and not the owner. He would appeal to the hon. Member for the West Riding as to whether he anticipated any beneficial results from the abolition of the brick duty? The object of the proposed Bill was to abolish all cottages, or to make them so dear that the peasantry could not occupy them.

MR. E. B. DENISON having been thus appealed to, would not hesitate to say that the object of the Chancellor of the Exchequer in repealing the brick duty was to benefit the poorer classes, and he (Mr. Denison) believed that the measure would have that effect. With respect to the Bill now under the consideration of the Committee, the chief reason which influenced its framers in making the payment of rates compulsory was, that there might be no opportunity for jobbing or evasion, but that all property should contribute its fair proportion to the rates. It was well known that at present a large portion of cottage property was unfairly exempted from the payment of rates. It was not his opinion that the Bill would have the effect of diminishing the number of cottages. It was said that in some parts of the country cottages were let at a nominal rent; but he believed that the owners obtained the annual value of the cottages either in meal or in malt. They obtained from their tenants services which were equivalent to

the rents paid in other parts of the country for better cottages.

Clause, as amended, agreed to.

On Clause 2,

SIR H. WILLOUGHBY wished to know from the hon. Member for Hertfordshire what would be the effect of the words, "such owner shall be rated and assessed?" In a case of the owner of a cottage, where he lets at a nominal rent of one shilling a year, was it intended that he should pay all the rates on the house and garden? How was he to reimburse himself without raising the rent?

MR. HALSEY, in reply, said, that the onus of paying the rates would be thrown on the owners of cottages.

MR. E. B. DENISON said, if this was not the case, they would exempt the property from paying all these rates.

Clause agreed to, as were Clauses 3 to 7.

House resumed.

Bill reported; to be printed as amended, to be considered on Wednesday, 24th April.

#### LARCENY SUMMARY JURISDICTION BILL.

Order for Committee read.

MR. LAW said, the object of the Motion he was about to make was to discuss this Bill on its merits by dividing it into two Bills. It was highly probable, from the experience of the past, that the House might be disposed to sanction the application of the Juvenile Offenders Act (which was limited to persons of fourteen years of age) to persons of the age of sixteen; but the question was totally different when they were to consider the law as applicable to adults. By applying the rule to them, they would be taking the first step to deprive the subject of trial by jury. It involved that question to a large extent, and that magistrate who asked to possess this power was seeking to have a fatal power placed in his hands. By granting to the magistrate that power, they would deprive him of the respect and love of all those around him; they would make him the enemy of the poorer classes of society, and his decisions, instead of being respected, would be suspected. It was merely the duty of a magistrate, acting in his proper capacity, to put a case in course of further inquiry without performing an act which properly was within the province of a jury; and if he went beyond that, he would expose himself to suspicion on

every occasion. And as the poor alone would be the persons with whom he would have to deal, every decision adverse to the poor would then be referred to anything but the real merits of the case he was called upon to decide. They would load with odium magistrates who were now respected by the poor, and would strike a great blow against the best franchise that every Englishman enjoyed, namely, not only the right but the opportunity of being tried by a jury of his countrymen. He was surprised that his hon. Friend the Member for Droitwich, who had obtained the character of a very able magistrate at quarter-sessions, should not feel the objection that must be made to a magistrate assuming such a power, and dealing in such a manner with cases of petty larceny, when he reflected that his best services to the public in his judicial capacity were mainly owing to the publicity of the proceedings, and the knowledge that every step he took was taken under the observation of persons learned in the law, and that he was required to state in vindication of his own opinion the facts of the case to the jury in such a manner as ought to recommend the case to their attention; and that every judicial person did not himself make up his mind as to the full bearing of a case until he had recapitulated the evidence and publicly stated the case, and his reasons for recommending any particular course to a jury. He (Mr. Law) declared he would not hold such an office on any terms that were offered to him if the jury were withdrawn, and he was called upon to perform the duty of jury as well as of judge, on the responsibility of possibly forming an erroneous judgment of the facts. All the pleasure that could attend well-directed efforts to discharge a public duty would be removed from him, and he would feel nothing but anxiety, misery, doubt, and vexation with regard to every question he should so decide. To decide on the facts was the proper province of a jury—on that province no judge should presume to intrude. But then it was said that the Act would only apply to trifling cases, where the amount of the larceny imputed was only one shilling. He was surprised that any Gentleman of the experience of his hon. Friend should attach any importance to the smallness of the amount. Did not his hon. Friend recollect that one of the most important alterations established by the right hon. Baronet the Member for Tamworth in the law was, to abolish the

distinction between grand and petty larceny, and declare that a person charged with the commission of larceny to the extent only of a shilling was to be treated in the same manner as if the amount were larger? Did he forget how lately Parliament had protected the accused, by declaring that every person on trial should be entitled to make a defence by counsel, that he should have the inspection of depositions, and be at liberty to use them on his trial? Were they then, he asked, to have such trials as those referred to in this Bill, before a single magistrate, unchecked on matters of law by the presence of a professional gentleman? He knew it was not intended at present to close the door of the court on the public, but it could never be the interest of the public to attend proceedings conducted in a corner by two magistrates in their own rooms. Unless he should receive from his hon. Friend his concurrence in the proposal to divide the Bill into two, in order to raise the separate question whether it should extend to adults, or be limited to juvenile offenders, he should certainly feel it his duty not to relax an iota in his opposition. He should, therefore move, as an Amendment, that the Bill be divided into two Bills.

Motion made, and Question put—

“That it be an Instruction to the Committee, that they have power to divide the Bill into two Bills.”

SIR J. PAKINGTON could not help thinking that he had some little reason to complain of the course which had been taken by the hon. and learned Member for Cambridge University on the present occasion. Some considerable time since this Bill came on for a second reading, with due notice and with ample preparation, in the usual manner. Upon that occasion the hon. and learned Member for Dundalk had a notice on the paper that he would move that the Bill be read a second time that day six months. The hon. and learned Gentleman attended in his place, but did not move his Amendment at that time, when the principle of the measure was fairly at issue. Now, he (Sir J. Pakington) found upon the notices for to-day, that upon the Motion that Mr. Speaker do leave the chair, the hon. and learned Gentleman intended to make the Motion of which he gave notice on the second reading, and which ought to have been made then, if at all. He found also, that without any notice at all, the hon. and learned Gentleman the Member for Cambridge

University had brought forward a Motion which, in effect, was tantamount to that of the hon. and learned Member for Dundalk, and the avowed object of which was to get rid of that portion of the Bill to which he (Sir J. Pakington) attached the greatest weight and importance, namely, that which enacted that the Juvenile Offenders' Act of 1847 should be made applicable to all cases of petty larceny up to the value of 1s. The hon. and learned Recorder spoke of this as a blow at the system of trial by jury. He begged to assure his hon. and learned Friend that there was no one in the House more anxious than he was to support trial by jury in all cases to which it was fairly applicable; but he had no hesitation in saying, as a friend to trial by jury, that experience had convinced him of the necessity of removing from that cumbrous and expensive process a number of petty cases to which it was not at all applicable. He thought the hon. and learned Recorder had rather founded his objections on his experience in the city of London, than considered what would be the operation of the Bill in the country at large. Take the cases of two young men, one charged with stealing potatoes from the ground, the other with stealing from the barn—would his hon. and learned Friend have any objection to deal with each in the same manner? It was on his own experience as chairman of the quarter-sessions that he founded the necessity of this Bill; the want of such a measure often defeated justice, many petty cases being at present abandoned in consequence of the parties being unwilling to incur the expense and delay of sending them to a jury. He assured the House that there was a very strong, he might say an almost unanimous, opinion in favour of the change among the magistracy and others out of doors. He begged hon. Members to observe that the Bill was not compulsory; that the magistrates would in every case have the option of either sending it to a jury, or dealing with it summarily, according to the merits of the case. He hoped, therefore, the House would not consent to the Motion of his hon. and learned Friend.

MR. M'CULLAGH denied that ample time had been allowed the House or the public to become familiar with the merits of the Bill between its first and second reading. With respect to the Motion of which he gave notice for that occasion, he was inexperienced enough to postpone it



till the present stage of the measure out of courtesy to the hon. Baronet; a mistake which he should be careful to avoid in future. As to this being an improper time to bring forward his Motion, he begged to say that the forms of the House enabled him to exercise a discretion upon that point, and he availed himself of that discretion. The hon. Baronet had spoken of the opinion out of doors as almost unanimous in favour of the Bill. He (Mr. M'Cullagh) pledged himself, on moving his Amendment, to show an amount of opinion against the principle of the Bill which might fairly stagger any man whose mind was unprejudiced on the subject, and which he hoped would entitle him to ask the House to reject the Bill as at once mischievous, unnecessary, and at variance with the old established principles of the constitution.

SIR G. GREY did not see how the Amendment raised the question which the hon. and learned Recorder wished, by expressing disapprobation of the second part of the Bill. He should have thought the best course to take in order to carry out the views of the hon. and learned Gentleman would be to go into Committee, and then to move the omission of that part of the Bill which related to adults.

MR. LAW could not withdraw the Amendment he had moved, as he was satisfied that it would be very inconvenient to move it in Committee. He wished to take the sense of the House on the proposition that the principle of the two measures embodied in one was not safe.

MR. E. B. BECKETT observed that the first part of the Bill did not raise any new principle, but the latter part raised a question for the first time, the House not having yet decided whether adults should be tried by summary jurisdiction. He was therefore fully of opinion that it would be better to divide the Bill into two. With respect to the general object of the measure, he would take the liberty of putting magistrates on their guard against it. This was a Bill asking the House to confer on them larger powers than they had ever yet possessed. It involved very serious questions—so serious that the measure ought to have been brought forward by the Government if they were of opinion that its principle could be safely adopted.

MR. EWART also entertained strong objections to the Bill. In particular, he objected to the magistrates having the power of deciding whether a child was six-

teen years of age or not, and whether the value of the article stolen amounted to a shilling or not. He considered the whole subject of so much importance that it ought either to be preceded by an investigation before a Select Committee, or brought in by Her Majesty's Government.

MR. BERNAL was inclined to agree with his hon. and learned Friend the Recorder. He begged to call the attention of the House to the fact, that the Bill extended to the united kingdom of Great Britain and Ireland. Without saying anything offensive or disrespectful to his fellow-countrymen in Ireland, he might be permitted to remind the House that party prejudice ran very high in that country, and to ask hon. Members if they thought it would add to the peace of the sister kingdom, or to the happiness of hon. Gentlemen who resided there, if the trial of supposed criminals on charges of stealing to the amount of 1s. were left, as this Bill proposed, entirely to the summary jurisdiction of the local magistrates?

MR. PACKE was friendly to the first part of the Bill, but very hostile to the second. They had nothing whatever to do with each other.

SIR J. GRAHAM was in the position of not being friendly to either of the two portions of this Bill, and would have much preferred voting for the Amendment of the hon. and learned Member for Dundalk, that the Bill be committed that day six months; but coming to a division on the preliminary question, whether the Bill should be divided, he must vote with the Recorder of London. There, were, certainly, two distinct portions of this Bill: the first, whether the age at which the adults were distinguished from juvenile offenders should be altered. He objected to any alteration of that age. From the time of Edward III. till now, the law, as laid down by Sir Matthew Hale, made the age of fourteen the limit between the period during which a man was responsible for his actions, and that during which he was irresponsible. He was not prepared to alter a rule of law which was reasonable and had worked well. The second portion of the Bill he regarded as open to the gravest objection, and thought it should at once be rejected.

MR. SPOONER contended that the Bill did not take away a single privilege now possessed by the jury; it left the person accused the right of having a jury if he chose.

MR. HUME was anxious to take the

sense of the House on the principle of the Bill, because he thought it a matter of great importance whether they were to divest themselves of the privilege hitherto enjoyed by Englishmen, and to which so much importance had always been attached—namely, trial by jury.

MR. W. MILES said, he agreed with hon. Gentlemen opposite that trial by jury was the palladium of English liberty; but, at the same time, it should be recollected, that that right was not taken away by the present Bill, inasmuch as it left the accused party the privilege of objecting to the summary jurisdiction of the magistrate, should he think proper, and of requiring that his case be sent before a jury. The Bill also gave a discretion to the magistrate to send the case to a jury should he so think fit.

MR. AGLIONBY said, that the real character of the Bill had been just explained, for the first time, by the hon. Member for East Somersetshire. He (Mr. Aglionby) thought the Bill gave sufficient safeguard to the prisoner, and he was ready to support the principle of it, both in regard to the first and second parts.

MR. HENLEY said, the two last speakers rested their support of the Bill on the fact that the prisoner was given a right to demand being tried before a jury; but he would ask, what chance of a fair trial would such a man have, if the jury were told that he had refused a summary trial? He saw great objections to the working of the Bill in detail; and he must also own, that he did not much like the principle of the Bill either.

COLONEL THOMPSON had only to say, that he had the least possible confidence in what he had heard termed the concurrence of the prisoner. He thought the power to be conferred by this Bill was one which no prudent man in the position of a magistrate would wish to embarrass himself with.

The House divided:—Ayes 124; Noes 54: Majority 70.

Committee deferred till Thursday, 18th April.

#### COUNTY RATES AND EXPENDITURE BILL.

Mr. M. Gibson, Sir John Pakington, and Mr. Shafto Adair, nominated Members of the Committee.

Motion made, and Question proposed, "That Sir James Graham be one other Member of the said Committee."

SIR J. GRAHAM trusted that he would not be asked to serve on the Committee, as it would be impossible for him to attend.

MAJOR BERESFORD complained that the two counties with which the right hon. Gentleman the Member for Manchester was more immediately connected—namely, Suffolk and Lancashire—had no less than five Members on the Committee, leaving only ten Members for the rest of England. It was his intention to move that the Earl of March and Mr. Deedes be substituted for Mr. Kershaw and Lord Rendlesham.

MR. M. GIBSON said, that he was only influenced by a desire to make it a fair and impartial Committee.

SIR J. PAKINGTON denied that the Gentlemen on the list were the most competent that could be selected for the duties to be imposed upon them. They were to be charged with the care of a Bill containing ninety clauses, besides several schedules, and which was to deal with the whole of the internal affairs of the kingdom, and to repeal a great number of Acts of Parliament, and yet there was not a single professional lawyer in the list proposed.

Debate adjourned till To-morrow.

And it being Six o'clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

#### HOUSE OF LORDS,

Thursday, March 21, 1850.

MINUTES.] PUBLIC BILLS.—1<sup>st</sup> Mutiny; Marine Mutiny; Titles of Religious Congregations (Scotland).

Reported.—Turnpike Road and Bridge Trusts (Ireland); Registrar of Metropolitan Public Carriages; Consolidated Fund.

#### DUTIES ON PAPER, ADVERTISEMENTS, AND NEWSPAPERS.

LORD BROUGHAM presented a petition from the Committee of Management of the Whittington Club and Metropolitan Athenæum in the Strand, praying for the repeal of the stamp duty on newspapers, the advertisement duty, and the excise duty on paper. In supporting the prayer of the petition, the noble and learned Lord said, that the reduction of the stamp duty on newspapers from threepence to a penny, had proved of great advantage to the middle and higher classes, and had been found advantageous as well, no doubt, to the proprietors of newspapers—a very useful and

generally, a very respectable body, and one that was connected with concerns often of very considerable commercial importance; for he dared say that the *Times* and the *Morning Chronicle* were among the greatest mercantile concerns, in point of magnitude, existing in the city of London. But, however, much benefit these classes had reaped from that reduction, still the penny stamp was just as effectual as the three-penny one was in shutting out the peasantry of the country and the rural population generally from the advantages of cheap and useful knowledge, because the friends of popular enlightenment had never yet been able to cross the threshold of the cottage door. But if the penny stamp were taken off newspapers, and valuable information of a practical character for the agricultural classes could be wrapped up together with general and local news, a salutary stimulus would be given to popular instruction.

EARL FITZWILLIAM presented a petition to the same effect from the inhabitants of Sheffield, and took occasion to express his doubts as to the propriety of acceding to the prayer of the petitioners, being apprehensive that it would tend to encourage the dissemination of immoral and pernicious prints.

LORD BROUGHAM certainly admitted it was necessary that the press should be watched, and agreed that in proportion as its operations became extended, so in proportion ought that vigilance to be increased; but he had the strongest confidence in truth, morality, and religion being always able to keep their own no matter how cheap books might become.

House adjourned till To-morrow.

## HOUSE OF COMMONS,

*Thursday, March 21, 1850.*

MINUTES.] PUBLIC BILLS.—2° Brick Duties.

*Reported.*—Pirates (Head Money) Repeal; Judgments (Ireland).

3° Mutiny; Marine Mutiny.

### THE MERCANTILE MARINE.

MR. J. L. RICARDO wished to know in what order the right hon. Gentleman the President of the Board of Trade proposed to take the Bills relating to this subject.

MR. BOUVERIE begged to ask, if the right hon. Gentleman would make any statement of the Amendments he proposed to make in the Mercantile Marine Bill?

MR. LABOUCHERE, in reply to the

question of his hon. Friend the Member for Stoke upon Trent, begged to say that he had no reason to believe he should alter the arrangement of the Bills as they now stood, taking the Merchant Service Bill first. With respect to the question of his hon. Friend the Member for Kilmarnock, it was quite impossible, consistent with the rules of the House, to lay upon the table the alterations in the Mercantile Marine Bill, until the Bill was read a second time. If the House assented to the principle of the Bill on the second reading, he would allow sufficient time to consider it in those parts of the country that were interested in the measure.

MR. CARDWELL understood the case to be this—the right hon. Gentleman the President of the Board of Trade, for technical reasons connected with the rules of the House, had no opportunity of giving notice of alterations; at the same time, important alterations had been submitted to the right hon. Gentleman, and so far entertained by him, as to be under serious consideration. Would it be possible to convey to the parties interested, through some channel or other, the nature of those alterations, to enable them to judge of the Bill at the time of the second reading? The principle of the Bill would be mainly contained in the details, and would turn upon the actual arrangement of those details; and would the right hon. Gentleman adopt some means of giving the parties interested a definite notion of what the Bill actually was, in order that they might know whether they considered that those arrangements constituted a principle to which they would assent or not?

MR. LABOUCHERE had been in communication with the hon. Gentleman's constituents in Liverpool, as well as with merchants in Glasgow, London, and other places, and had endeavoured to state frankly to them the nature of the alterations; and he did not think, when they came to discuss the Bill on the second reading, that the Gentlemen who represented the sea trade would be at all in ignorance of the general purport of those alterations—alterations which, he repeated, were not at all directed to the principle of the Bill. That being the case, he thought there would be considerable convenience before he finally made up his mind to the alterations, in his hearing the discussion on the second reading. He thought it was better that they should adhere to the usual course, and not lay any formal statement

of details before the House and the public, until they received the assent of the House to the principle of the alterations on the second reading.

Subject dropped.

#### TRANSFER OF LANDED PROPERTY.

MR. L. KING begged to bring forward the Motion of which he had given notice, his object being to call the attention of the House to certain anomalies which exist with respect to the transfer of landed property in cases of intestacy, and to certain effects which still remain, when the causes for those effects have long since disappeared. In consequence of recent changes in their legislation, their attention was peculiarly called to the principles of free trade, the effects of which had been denounced by a very large and influential body in that House, and attempts had been made by that body to induce Parliament to re-enact protection. He would at once admit and deplore the fact, that very great and considerable inconvenience had been experienced by that party. A change, after all, in any system would at all times produce derangement until matters became adjusted; but the complaints that were made, and the demands almost insisted upon, forced upon their attention the necessity of considering what have been the causes of, and what are likely to be the remedy for the present state of things. The complaints had proceeded from a very large and influential body, but they bore only a lamentably small proportion to the rest of the population in this country, compared with other nations. It could not be said, however, that they were inadequately represented, or that their arguments had been unattended to. The House—consisting, as he might presume to say it formerly did, almost entirely of landed proprietors—did its very best to promote the interests of that body. Under its sanction one system of laws of more modern invention was continued with regard to real property; and another, and a totally different one of ancient date was revised with regard to personal property. The modern system, of encouraging a system of incumbrances upon land, had created in this country a body of nominal instead of real possessors, flattered their pride, and introduced with that pride the ordinary accompaniment of poverty, while the tendency of the system had been to increase wealth by the distribution of property in cases of intestacy. No obstacle whatever is placed

in the transfer and distinction of personal property, but legislation appeared to have gone out of its way to increase the greater natural difficulties which exist in the transfer of land. In the one case the State acted with perfect justice by distributing the property equally; and in the other, endeavoured to persuade the younger children that it was for their benefit that the whole of the property should go to the elder. If the principle be right in the one case, can it be right in the other? There would be no great difficulty in obtaining an answer by comparing the effects of the two systems. At the present moment the commercial classes of the country were possessed of a large amount of capital. What was the condition of the agricultural classes? If they were to believe all that they heard upon the subject, they were in great want of necessary capital. The soil of the country was capable of producing to an almost unlimited extent; there was abundance of unemployed capital in the coffers of the Bank of England; and there was no doubt but that there was an abundance of labour, so much so indeed that this abundance of labour had almost come to be considered a curse, instead of a blessing. There was an extraordinary anomaly, the landlord starving in the midst of plenty, the soil crying out for capital, labour requiring employment, and capital seeking investment. In too many of the agricultural districts of England, it would be found that the verse in the Proverbs would most forcibly apply:—

“I went by the field of the slothful, and by the vineyard of the man void of understanding, and lo, it was all grown over with thorns, and nettles had covered the face thereof.”

To the existing monopoly of land, and to laws which tended to disunite capital from land, this state of things owed its origin and continuance. An intelligent American traveller, Mr. Coleman, speaking upon the subject, said—

“The monopoly of land in the old world is a serious evil. The traveller passes over miles and miles of unoccupied and unimproved land capable of sustaining its thousands and millions in comfort; and upon the borders of these immense tracts of land are found thousands of human beings perishing for want of employment. This tract belongs to the Government. That tract belongs to the Church. This tract is held by some powerful individual, who chooses to keep it in its present state for his game preserves. Another large tract is devoted to some object which, if it had its value centuries before, has now ceased to be of use.”



The tendency of the present laws, in the opinion of Dr. Arnold, was to place brothers and sisters in a wrong position with respect to each other, unduly exalting one, and making the rest unduly dependent. The origin of this law was to be traced to the feudal times; and if he admitted that the great principles of public utility, combined with the general welfare of the State, were consulted by the regulations then made, he asked the House only to abide by the spirit in which those regulations were then made, and to show the same wisdom now that was evinced by our ancestors. The general interests of society were consulted by the arrangements then made. Great possessions and territories were then a source of wealth and power, but now, without capital, the source of poverty. Sir Samuel Romilly said that these laws were framed rather with a view to the feudal than to any other state, and that it was wrong to continue them in the present altered state of circumstances. He would call the attention of the House to the nature of the division of property among the ancient Britons, the Romans, the Athenians, and the Jews, among none of whom was the same principle recognised with respect to division of property as that upon which the laws of this country were founded. The effect of the subdivision of land in France, he knew, might be probably used as an argument against his Motion. But in France there was no power of devise by will—the division was compulsory. It was not fair to compare France with England, because in France there existed, previous to the revolution, only two classes, a high noblesse and a wretched peasantry, while in England a middle class of society had existed for centuries; but if they were to compare France at the present time with France before the first revolution, a marked improvement would be visible: the value of the whole produce of that country was in 1790, 4,650,000,000*f.*; while in 1843, that of agriculture alone amounted to 6,000,000,000*f.* In Belgium, Switzerland, and in Norway, the anomalous state of things which existed in England was not known, and the character of the husbandry of those countries far exceeded that of England. Ireland might also be quoted as a country where *la grande propriété* is ravaging a whole country, and making it resemble what France was. There we find a whole nation sacrificed to the wills of men long since dead. He was

aware that one great argument might be brought against him, which was, that the alteration of the law which he was anxious to carry out, would materially affect the position of the aristocracy of the country. Admitting a landed hereditary aristocracy to be essential to the welfare of this country, why should not the present system be confined to that portion of society? Why should 30,000,000 of people be subjected to a barbarous feudal system which violated one of the best principles of our nature? Good order in society no longer required the existence of a body of large landed proprietors. There was one body of persons in that House the members of the legal profession, of whom he confessed he was afraid, and whose objections he dreaded. This Parliament was once compared to a Parliament which existed many years ago, and which went by the name of *Parliamentum doctum*, so many lawyers having seats in it; but those learned gentlemen, instead of holding up a set of feudal principles that checked social advancement, would do much better if they showed their great abilities in removing the obstructions to the free transfer of landed property, instead of fighting behind barriers which they themselves have created. He agreed in opinion with Sir Samuel Romilly, that an aristocracy ought to owe its position to the virtues of its members, rather than to the operation of unjust laws. He trusted that the Government, seeing the good effects which had already resulted from an interference in the laws relating to landed property in Ireland, would give him its support in endeavouring to augment the number of landed proprietors in this country.

Motion made, and Question put —

“That, considering the complaints which in many parts of the Kingdom have proceeded from the owners and occupiers of land, and considering also the benefits which have arisen to all other classes from recent legislation promoting free trade; it is expedient now to adopt measures for diminishing the existing restrictions on the free transfer of landed property, and for distributing such property, in cases of intestacy, according to the same rules as prevail in respect of personal property.”

MR. EWART said, that he believed the principle of his hon. Friend to be not only theoretically sound, but one which, if adopted, would be attended with great practical benefits to the country at large. He wished it to be clearly understood, that neither he nor his hon. Friend wished to bring about a compulsory division of

land. The time in which his hon. Friend had brought forward the Motion was, in his opinion, particularly adapted for the consideration of such a subject; for the time had come when land ought to be considered as any other commodity. It was absurd to suppose that land was not a commercial article as well as others, and equally subordinate to the laws of trade. The only point in which he differed from his hon. Friend was as to the mode in which the subject had been brought before the notice of the House. He considered that the better course would have been to move for a Select Committee to consider the laws of entail, and the laws which regulated the disposition of land in cases of intestacy. But although he was of that opinion, he still considered that the resolution was founded upon justice, and, believing so, he would give it his most cordial support.

MR. NEWDEGATE considered that the real tendency of this Motion was an attack upon the laws of primogeniture, and that mode of descent of property upon which the aristocracy of the country, as a body, depended. He believed that the hon. Member for East Surrey was a member of the National Freehold Association, which was but the Anti-Corn-Law League revived, and had been greatly aided by the exertions of that association in multiplying the number of small freeholders in that part of the country which he represented. It might probably be considered by some persons that it would be desirable to have a commercial succeeded by a social revolution, and he could conceive of no better mode of bringing about such a state of things, than by the adoption of the principle embodied in the resolution of the hon. Member for East Surrey. He should also wish to know whether the resolution had not an ulterior object in view, and was to be considered only as the precursor of that future movement of which the hon. Member for the West Riding had given them ample notice, for a complete alteration of the tenure of landed property, a change of the depositaries of public power—in fact, a social revolution.

MR. HUME thought that the hon. Gentleman who last spoke had made a reasonable request when he asked to be informed what the Motion meant. For his own part, he never wished for concealment, and though he could not pretend to interpret the views of the hon. Member who brought forward the Motion, he could state what

his own views were in supporting it. Fifteen years ago he had supported a similar Motion, brought forward by his hon. Friend the Member for Dumfries, who moved for leave to bring in a Bill to make landed property of a person dying intestate equally divisible among his children, in the same manner as personal property. That was a definite step, and one which was involved in the question before the House. The principle of the alteration might be extended to the transfer as well as to the division of landed property; and he was glad that the Chancellor of the Exchequer had given relief to persons of small property by reducing the duties on conveyances. He (Mr. Hume) meant, by supporting this Motion, to intimate his opinion that the law of primogeniture should be altered. In no country in the world were there instances of greater wealth and prosperity, or of greater wretchedness, than in England. There was no country where there were so many men with princely estates, and so many persons living on eleemosynary aid. Why did that happen? He always coupled capital with employment, and employment with wages, and consequently he did not see why that discrepancy should exist. In 1821 the whole amount of landed proprietors in the British isles was only 50,000, while Denmark had 80,000, Prussia 200,000, Austria 650,000, and Switzerland 200,000, being four times as many as were to be found in this country. Spain also had 400,000 landed proprietors. Was he not, then, entitled to infer that the wretchedness existing in England was in some way connected with the remains of the feudal system? Every man who brought a family into the world was bound to provide for that family. It was not natural, not Christian, not humane, but cruel, that a man possessed of 10,000*l.* a year in land, and probably not of 500*l.* in money, should give all his land to one individual, and leave the rest of his family destitute. The law which his hon. Friend the Member for East Surrey arraigned, was impolitic and unnatural and disastrous in its effects. The question then was whether the existence of the aristocracy was such a benefit to the country as to induce the House to leave them the privileges arising from the law of primogeniture. He understood the object of the Motion to be an alteration in that law. He was convinced that much expense was occasioned by the aristocracy saddling their younger sons on the public. On a

former occasion he had quoted an extract from a nobleman's will in Doctors' Commons, who had three sons Members of that House, bequeathing them 600*l.* a year till they could get employment under Government to a greater amount. Let the House look at the pension list and the dead weight at the present moment. He did not mean to say that the aristocracy alone was to be found there—far from it; but when there were 10,000 officers in the Army, and 7,000 in the Navy, it might easily be seen, by looking at the manner in which promotion was bestowed, that there were a large number of persons who never saw a day's service, or wished to see a day's service. This never would have happened if that House was differently constituted, and if there were not so many Members in it who had an interest in the continuation of the present system. He held in his hand a publication containing nothing but a list of estates which were to be sold in Ireland under the provisions of the Incumbered Estates Act, property which had hitherto descended from father to son, and the sale of which was demanded by the necessities of the country, though nothing but necessity could justify it. He did not propose the introduction of any compulsory Act which would require landed property to be divided against the will of the parent, and he should be very sorry to see land subdivided as it was in France. He would allow the parent to make his will as he pleased, but if he died without making one, then he would have it distributed like personal property in cases of intestacy.

MR. M. MILNES thought the importance of the Motion had been much exaggerated. He saw no objection whatever to it; but if the law were altered as the hon. Gentleman proposed, it would be but little operative, because very little landed property passed by descent. But there was a great collateral advantage which would result from this Motion, and that was, that it would tend to abolish the notion which was so prevalent on the Continent, and which so many men encouraged in that House, namely, that there was in this country a law of primogeniture. It was important that it should be well understood that all the conditions of primogeniture rested solely on the habits and manners of the people of this country, and not upon any law whatever. The whole matter was entirely permissive.

MR. CHARTERIS did not rise to prolong the discussion, but he wished to ask

a question of the hon. Member for Montrose. The hon. Member had stated that the law of primogeniture led to the maintenance of large military and naval establishments, for the purpose of supporting the younger sons of the aristocracy. He wished to ask the hon. Member whether he would be satisfied with an ensign's commission as his only means of support in life?

MR. HUME: I am too old.

The CHANCELLOR OF THE EXCHEQUER said, that the Motion of the hon. Member for East Surrey comprehended two subjects: first, facilities for the transfer of landed property; and, secondly, an alteration in the state of the law as to the division of real property. He was not prepared to say that the first object of the Motion was one which ought not to be supported; but hon. Gentlemen would remember that this subject had been referred to the Real Property Commission, from whom a report might soon be expected, and he did not think that at present any great advantage would be derived from the passing of an abstract resolution. With regard to the second part of the Motion, which proposed to alter the distribution of landed property in cases of intestacy, he did not agree with its object. He believed that, on the whole, as his hon. Friend the Member for Pontefract had said, there was a general accordance of habits and opinions in this country with the present state of the law, and, therefore, he should feel bound to oppose the Motion.

MR. BRIGHT said, that as he had spoken a great deal on the subject of primogeniture outside the walls of the House, he was desirous of saying a few words before the House divided. He was not disposed to conceal the objects which hon. Gentlemen opposite, who were so timid on this question, might suppose the friends of the Motion had in view, but he would assure the hon. Member for North Warwickshire that they would not take a single acre of his property without paying him for it. They were not destroyers of property, as they had been called, but the improvers of it.

MR. NEWDEGATE explained that what he said was, that during the recess the hon. Member for Manchester had been instructing the public that there ought to be a very large subdivision of landed property in this country.

MR. BRIGHT: The Motion did not propose to interfere with the manner in which a man might bequeath his estate,

but that when there was no will the law should step in, and do that which was consistent with justice, and which natural affection would dictate. He allowed that the Motion tended in a direction along which he would probably travel further than many Members of that House; but he was sure that with our immense and growing population, the time was not far distant when they would apply to landed property the principles which applied to all other kinds of property—a change which would be attended by great pecuniary advantages to landed proprietors. He believed that freeing land from the restrictions imposed by the present state of the law would add seven or eight years' purchase at least to the value of landed property. In Prussia forty years ago there were estates which were not allowed to be sold to any but those who were of noble families, and the consequence was that there were very few purchasers to be found for those estates, which were almost unsaleable, and when sold were sold at very low prices. This law had been subsequently altered, and the advantages which had been derived from the change had been very great. With regard to the general question of freeing the land from restrictions, he would ask hon. Gentlemen to bear in mind that there was a large labouring population in the rural districts, very ignorant and often much demoralised, but he did not say they were more demoralised than workmen in a town, and he believed that the principal cause of their demoralisation was the hopelessness of their condition. He was obliged to his hon. Friend the Member for East Surrey for bringing forward this Motion, and though there had not been a very animated discussion, and hon. Gentlemen did not seem to be willing to attend to the subject at the present time, he was sure that before long the necessity of the country would force them to amend the law.

SIR H. VERNEY did not intend to say anything which would in the slightest degree reflect on the aristocracy. He believed there were no possessors of property in any country who did so much for those on it, and who received so little remuneration from it, as in England. Much good, however, might be effected by facilitating the transfer of landed property. There were 30,000 acres of unimproved land within a short distance of the metropolises, which, if there were facilities for its sale, would furnish employment for several hundred poor labourers in its cultivation. In

supporting the Motion before the House, he wished it to be understood that he did not concur in all the grounds urged in favour of it by the hon. Member for Montrose.

MR. L. KING said, that as the Chancellor of the Exchequer had referred to the Real Property Commission, he begged to repeat to the right hon. Gentleman a passage from the evidence which a gentleman gave before that commission. The witness said—

"I was fleeced when I came of age, again when I was married, again when my son came of age, again when he was married, and when I die I expect that my family will be severely fleeced."

The existing law was a remnant of the barbarous policy of feudal times, and its maintenance was disgraceful to civilised society. The Real Property Commission had been appointed in 1832, and had not yet completed their labours, and it was not known when they would. The hon. Member for North Warwickshire alluded to the objects which he (Mr. L. King) had in view in bringing forward his Motion; his objects were that facilities might be afforded to capital to find its way to the soil.

Question put.

The House divided :—Ayes 52; Noes 110: Majority 58.

#### *List of the AYES.*

Alcock, T.	Mangles, R. D.
Bass, M. T.	Melgund, Visct.
Bouverie, hon. E. P.	Milnes, R. M.
Bright, J.	Nugent, Lord
Brocklehurst, J.	O'Brien, Sir T.
Brotherton, J.	Pechell, Sir G. B.
Brown, W.	Pilkington, J.
Clifford, H. M.	Pinney, W.
Colebrooke, Sir T. E.	Power, N.
Duncan, G.	Robartes, T. J. A.
Ellis, J.	Romilly, Col.
Ewart, W.	Salwey, Col.
Fergus, J.	Smith, J. B.
Gibson, rt. hon. T. M.	Stanton, W. H.
Greene, J.	Thompson, Col.
Hall, Sir B.	Thornely, T.
Hardcastle, J. A.	Tollemache, hon. F. J.
Harris, R.	Verney, Sir H.
Hastie, A.	Villiers, hon. C.
Headlam, T. E.	Walmsley, Sir J.
Heathcoat, J.	Wawn, J. T.
Henry, A.	Williams, J.
Heywood, J.	Willyams, H.
Heyworth, L.	Wilson, M.
Kershaw, J.	
Lacy, H. C.	
Lushington, C.	
Meagher, T.	

TELLERS.

King, L.  
Hume, J.

#### DEPENDENT PRINCES IN INDIA.

SIR E. COLEBROOKE said, he wished to bring under the notice of the House the



Motion of which he had given notice, for a Select Committee to inquire into the rights of succession of the allied and dependent princes of India. The hon. Baronet addressed the House in such a low and indistinct tone as to be nearly inaudible. He was understood to say, that the question out of which this subject arose was considered one of the greatest importance in India, namely, as to the right of a native ruling prince to adopt an heir to succeed him, in default of his having children. The denial of this right on the part of the East India Company would limit the succession to the family of a ruler of a country. It might be necessary to state in the first place, that this question had arisen in connexion with a State, the administration of the affairs of which had repeatedly been before the House—he alluded to Sattara. It was the policy of the Government at the end of the war in 1818, to place a portion of the States of the deposed head of the Mahrattas, under the rule of the descendant of the original founder of the Mahratta dynasty. The House was fully aware of the circumstances which led to the deposition of the successor of that prince, who, at his death, having no direct descendants, adopted a youth as his successor. As to the feelings with which these adopted heirs were regarded, he would refer the House to the report of Mr. Frere, whose duty it was to communicate to the family of the deposed Rajah of Sattara the course which the East India Company intended to take with regard to the succession. [The hon. Baronet proceeded to read from this report, but he became so unwell, that he was unable to proceed, and was obliged to resume his seat.]

SIR J. C. HOBHOUSE would suggest to his hon. Friend the propriety of adjourning the debate, as it was clear that he was then too ill to do justice to himself or to the subject on the present occasion.

SIR E. COLEBROOKE having assented, the Motion was, by leave, withdrawn.

#### BORNEO—PIRATES.

MR. HUME moved for the following returns:—Copies of the instructions from Sir Francis Collier to Commander Farquhar, alluded to in Mr. Farquhar's report of the 25th day of August, 1849 (page 9); of Sir Francis Collier's report, adverted to in Lord Eddisbury's letter of the 9th day of November, 1849 (page 11); of Sir James Brooke's despatch to Lord Pal-

merston, relative to the building of a fort at the entrance of the Sakarran river, noticed in Sir James Brooke's letter of the 1st day of October, 1849, and of the answer of Lord Palmerston thereto; and, of the depositions taken by order of Sir C. Rawlinson, Recorder of Singapore, respecting the pirates destroyed by a force under the orders of Commander Farquhar, on the 31st day of July, 1849, for which Sir C. Rawlinson has granted certificates for bounty. He said he was induced to do so, in consequence of finding the papers which had been presented had been garbled. He wished to know why the instructions given by Sir F. Collier to Mr. Farquhar had been withheld?

SIR F. T. BARING observed, that there was no objection to these returns as far as the Admiralty was concerned. He had been pressed for the former return, and he had given all the papers which were ready, and others would shortly be furnished. Some, however, which had been asked for were not yet in the possession of the Admiralty, but when they arrived in this country they would be produced, but it would be necessary to send out for others.

MR. HUME stated, that they would shortly be called upon to vote 98,000*l.* for head money for the destruction of pirates on the coast of Borneo, and, as he believed the proceedings to have been illegal, he wished for all the documents which could elucidate the matter or establish the charge, and if these papers were not in the possession of Her Majesty's Government, they had not acted in a way which was consistent with their duty to the public interest.

Returns ordered.

#### PIRATES (HEAD MONEY) REPEAL BILL.

The House resolved itself into Committee on this Bill.

On Clause 1,

MR. HUME asked whether the Government had yet paid any portion of the 98,000*l.* to be voted for head money in the present estimates? He also wished to know whether they meant to call for evidence to show the number of pirates really killed, and for whom prize money was claimed. It had been stated that the number was 2,140; but no depositions had been produced or evidence adduced, to show that they were pirates. He, therefore, wished to know whether this money

would be paid before it was proved that they were pirates?

SIR F. T. BARING replied, that the payments were made under a specific Act of Parliament, which it was now proposed to alter. It would not be fair to these parties to withhold payment under the existing law. When the estimates came on, his hon. Friend would have ample opportunities of discussing the question, when he would have in his possession all the papers in the possession of the Government. He trusted the hon. Gentleman would allow this Bill to proceed without going into the other question.

MR. HUME said, he highly approved of the Bill; but he protested against the money being paid until evidence was adduced to show that the persons killed were pirates. For his own part he was prepared to show that they were not pirates, but injured and innocent persons.

SIR F. T. BARING said, there was no power to withhold payment under the existing law. Under this Bill the decision for the future in a case of this kind would be left to the discretion of the Admiralty.

Clause agreed to, as were the remaining clauses.

The House resumed. Bill reported.

#### COUNTY RATES AND EXPENDITURE BILL.

Order read for resuming Adjourned Debate on Question [20th March], "That Sir James Graham be one other Member of the said Committee."

Question again proposed; debate resumed.

SIR J. PAKINGTON called the attention of the House to the constitution of the Committee with respect to filling up the vacancies. It was painful to raise questions of an individual kind; but his hon. and gallant Friend behind him the Member for North Essex had given notice of his intention to move two changes in the Committee list, and he (Sir J. Pakington) considered that there was ample ground for that Motion, and he should vote for it if his hon. and gallant Friend pressed a division. The right hon. Member for Manchester must admit that a Committee upon such an important Bill should be so constituted as to give no ground of objection. It was a measure to effect great changes, and would require serious consideration; and he appealed to the House if the decision of the Committee, whether it came back in the form of an altered Bill,

or of a report, would not be entitled to more or less weight, according to the constitution of the Committee? The first element in its composition should be the competency of the parties, and, in addition to Members of the Government, it should have consisted of gentlemen of long experience as magistrates, and of lawyers, who would be influenced by their professional habits. He did not disparage any hon. Gentleman by merely saying that his life had not been passed in the discharge of magisterial duties, or that he was not a professional lawyer; but a great blot in the constitution of the Committee was, the want of professional gentlemen, and of gentlemen accustomed to act as magistrates. He did not wish to complain of the Government; but, looking to the circumstances under which this measure had been brought in, the House had a right to expect that the Committee should be so constituted as to give weight to its decision. But if the Bill went upstairs to the Committee now proposed, the decision would not have that necessary weight. He would suggest that, instead of going through the names *seriatim*, the whole list should be withdrawn, and the Committee remodelled.

MR. M. GIBSON said, that his object had been to get a fair and impartial Committee, and he thought he had accomplished that object by the nomination as it stood. There were county Members and chairmen of quarter-sessions upon the Committee. But the question now was the withdrawal of the name of Sir James Graham; and he then proposed to go through the rest of the names, and move their appointment.

Motion, by leave, withdrawn.

Mr. Cobden, Lord Brooke, Mr. Littleton, and Sir J. Duckworth, were nominated other Members of the said Committee.

Motion made, and Question proposed, "That Mr. Kershaw be one other Member of the said Committee."

MR. NEWDEGATE said, that the object of the Motion of his hon. and gallant Friend the Member for North Essex was not a party object, and defended his proposition.

MAJOR BERESFORD said, that although he saw by the state of the House what would be the result of a division, he was determined to persevere. His objection to the Committee was a fair and proper one, and he represented the sentiments of a large body of country gentlemen whom he had consulted, and who de-

clared their belief that this was an unfair Committee in every way, the majority of opinions being on one side. He was, therefore, resolved to divide the House. If the Committee was constituted as the right hon. Gentleman the Member for Manchester proposed, the country gentlemen would feel that their wishes and opinions had been slighted, and the decision, by a small and paltry majority, would have no weight with the country. Every one would know what value to set upon it. He made this statement in the face of a tyrant majority, though a small one, which had, somehow or other, been kept in the thin state of the House. There were two Gentlemen on the Committee who were connected with the county of Lancaster. He (Major Beresford) had been accused of a want of geographical knowledge, but he was not so geographically ignorant as not to know that part of the borough of Stockport was in Cheshire, although the remainder was in Lancashire.

Amendment proposed, to leave out the name of "Mr. Kershaw," and insert the name of "the Earl of March," instead thereof.

MR. SPOONER moved that, in consideration of the then thin state of the House, the debate be adjourned. The Committee, as it then stood, would have no weight with the country.

Motion made, and Question proposed, "That the debate be now adjourned."

MR. HEYWOOD said, it often happened that debates went on at that hour in as thin a House as that was.

MR. AGLIONBY said, the hon. and gallant Officer had, no doubt, a strong feeling upon this question, and had a perfect right to oppose this Committee, but it was rather extraordinary he should allude to this thin state of the House, caused by the absence of his own Friends. But when the hon. and gallant Member insinuated that hon. Members on his (Mr. Aglionby's) side of the House were pledged to get a majority in that Committee, he answered for himself, and he believed for the other Members around him, that they were present in the ordinary performance of their duty, in going through the public business set down upon the Votes of the evening. What ground had the hon. Member for North Warwickshire for saying that the decision of the Committee would have no weight? Were hon. Gentlemen on the other side to be alone the judges of what the opinion of the country

would be? It might be asserted, with equal force, that the decision of the Committee would be received with entire confidence. He should support the list as it stood.

MR. HUME hoped that as there was already one Member for Sussex on the Committee, the hon. and gallant Gentleman would not press his Motion for adding another.

MAJOR BERESFORD replied that it was somewhat extraordinary to object to two Members for Sussex, when there were three for Suffolk, and two for Lancashire.

MR. FREWEN believed that there had been great trouble in constituting the Committee, and that many Gentlemen of great practical experience, when requested to serve, had declined. He had been asked by the right hon. Gentleman the Member for Manchester to serve, and he would give the question the best attention he was able, for his constituents felt very warmly on the matter. What the Committee would have to do was to alter the Bill as much as possible to suit the different circumstances of different counties; and of which there was a great variety. In Lincolnshire there were three distinct commissions of peace, and Suffolk also had customs peculiar to itself in regard to the rates and expenditure; and the Committee would have no little difficulty in framing the Bill to meet these varying cases. However, if it was the wish of the House that the noble Earl the Member for West Sussex should serve, he (Mr. Frewen) was willing to resign in favour of the noble Lord.

MR. FOX MAULE hoped the hon. Member for North Warwickshire would not press his Motion for adjournment, for there were sufficient Members present to debate the question, and it would be but fair to go into it. But at the same time he hoped that hon. Members would not go into the old debate again. With respect to the composition of the Committee, his right hon. Friend the Member for Manchester had taken every means to make it a fair one, and he thought that the country gentlemen of England, acting as magistrates, were better judges of these matters by themselves than the lawyers; and of that body of gentlemen he would say that if he thought this measure tended to undervalue them, he would be the first to vote against it. But he did not think that such was its tendency, while it would satisfy the ratepayers that the rates were properly disposed of, and would, he be-

lieved, do much in the present state of the country to allay the feeling existing upon that subject. But what he had risen for was merely to ask the hon. Member for North Warwickshire to withdraw his Motion for the adjournment of the debate.

SIR J. PAKINGTON did not think it advisable to press the Motion to a division. He had felt much pain in the course he had been obliged to take in reference to the nomination of this Committee, but still he thought the Government were not free from responsibility in the matter; and when he saw a Committee constituted as this was, he did not hesitate to enter his protest against such a constitution. His opinion was more and more fortified that this change ought not to have been left in the hands of a private Member of Parliament, but if undertaken at all, should have been undertaken on the responsibility of the Government. He suggested, however, to his hon. Friend the Member for North Warwickshire to withdraw his Motion for the adjournment of the debate. He was extremely sorry the right hon. Gentleman the Member for Manchester had not acceded to the opinion expressed on his (Sir J. Pakington's) side of the House. The constitution of the Committee would certainly be forced upon them, but he could assure the right hon. Gentleman that none but those whose views were the same as his own would approve of it.

SIR G. PECHELL expressed his satisfaction at the constitution of the Committee, and particularly at the circumstance of one of the hon. Members for Sussex being upon it. In his hands the inhabitants of Brighton would be safe. They complained, with great justice, of a system which compelled them to contribute enormous sums to the county without having the slightest control over their application. He hoped, therefore, that the hon. Member would not withdraw his name.

MR. NEWDEGATE repeated his conviction that the Committee would not carry any weight with it as proposed to be constituted. Names had been suggested to the right hon. Gentleman the Member for Manchester, and if he would not avail himself of the facilities thus opened to him, the responsibility of a one-sided selection would rest upon him alone. He hoped the Motion for the adjournment of the debate would be withdrawn. He had to complain before of so few Members being in their places on his side of the House, and he

complained of it now; but the fact of their absence would not justify the postponement of a decision that he could not but lament.

SIR H. WILLOUGHBY suggested that the names of the Earl of March and Mr. Deedes should be added to the Committee. The absence of lawyers had been remarked, and he could not but observe that, if some experienced members of the profession were not added, it would be a Committee *in doctum*.

Motion, by leave, withdrawn.

Question put.

The House divided:—Ayes 37; Noes 11: Majority 26.

Mr. Kershaw to be one other member of the said Committee.

Mr. Cornewall Lewis, Mr. Frewen, Mr. Wrightson, Lord Rendlesham, Viscount Barrington, and Mr. Osborne, were nominated other Members of the said Committee. Power to send for persons, papers, and records. Five to be the quorum.

The House adjourned at half after Eight o'clock.

## HOUSE OF LORDS,

*Friday, March 22, 1850.*

MINUTES.] PUBLIC BILLS.—2<sup>d</sup> Mutiny; Marine Mutiny.

3<sup>d</sup> Consolidated Fund; Registrar of Metropolitan Public Carriages; Turnpike Roads and Bridge Trusts (Ireland).

## WATERFORD, WEXFORD, WICKLOW, AND DUBLIN RAILWAY COMPANY.

The Order of the Day being read, for the attendance at the Bar of this House of Mr. Charles De Lacy Nash, the Secretary to the Committee of the Company, Mr. William Wood, and Mr. John Wickey Stable, the Yeoman Usher informed the House, that Mr. Nash was in attendance; whereupon he was called in, and examined: He was directed to withdraw. Then Mr. John Wickey Stable was called in; and, having been sworn and examined, he was directed to withdraw. Then the Yeoman Usher informed the House, that Mr. Richard Dorington Dickenson, an officer of the House of Commons, was in attendance (pursuant to Message of Yesterday), with reference to certain documents (and pursuant to leave of that House); whereupon Mr. Dickenson was called in; and, having been sworn and examined, he was directed to withdraw. Then Mr. William Wood was called in; and, having been



sworn and examined, he was directed to withdraw.

The Examination and Evidence to be printed: And Mr. Charles De Lacy Nash was again Ordered to attend at the Bar of this House on Monday next, at Five o'clock.

#### EXHIBITION OF THE WORKS OF INDUSTRY OF ALL NATIONS.

LORD BROUGHAM said, he had already obtained a copy of the Royal Commission for the Exhibition of 1851, and he now wished to obtain a copy of any report which the Royal Commissioners might have made. He should avail himself of the present occasion to reiterate his former objections to the proposed locality of this exhibition—namely, Hyde Park. He fully concurred with the noble Lord at the head of the Woods and Forests in thinking that Victoria Park would not do for the exhibition; but what objection could there be to select Regent's Park as the site for this great spectacle, where he believed the erection of a building of the necessary dimensions would be attended with little or none of the inconveniences which it must occasion in Hyde Park; for his own part, he could see none, always supposing that the exhibition was to go on. He thought that it would prove a great hardship on some of the middling and on many of the hardworking classes of the country, if the money for the erection of this immense building were to be raised by voluntary contributions. If the object were so purely national, as it was now represented to be by Whigs and Tories, by Free-traders and Protectionists, why should not 40,000*l.* or 50,000*l.* be contributed towards it out of the public purse? He could state of his own knowledge that many tradesmen and shopkeepers in this great metropolis were putting their names to subscriptions, and consenting to act as committee-men, under a species, he would not say of compulsion owing to the benevolent intentions of those high influences which sanctioned it, but of *douce violence*, as the French styled it, on the part of their customers. One person, who had subscribed 100*l.*, had said that he could not help doing so, but he would willingly give 200*l.* more to do away with it altogether, for he was sure such would be the effects of competition, that he should suffer from it materially in his business. Before he sat down he would say a word to his noble Friend behind him (Lord Stanley). He

(Lord Brougham) saw that at the meeting held yesterday—not a meeting of 168 peers, but a meeting of 168 mayors—that his noble Friend had said that he (Lord Brougham) had been “somewhat volatile” in his objections to the proposed exhibition. If the noble Marquess opposite (the Marquess of Lansdowne), or some of the noble Lords whom he saw near him—all grave, stable, solid men, and remarkable for their discretion—had made the charge which his noble Friend had made against him, he should have thought it to be a sarcasm; but when his noble Friend, to whom he did not apply any one of those epithets in the smallest extent or slightest degree, made such a charge against him, he considered it to be a compliment. He might almost consider himself a pupil of his noble Friend. He had certainly gained some knowledge under his auspices and tuition; he might have caught a little, not much, of his nature, for volatile meant flighty. He might be open to a similar charge, but one flight he certainly had never taken, namely, a flight from the House of Peers to the house of mayors—to make an answer, in the house of mayors, to a speech made in his presence in the House of Peers. He would not say how far good communications might improve bad manners, but he might yet improve somewhat in that respect, and take a leaf out of his noble Friend's book. This was really a serious matter—for a species of compulsion, he repeated, was used which was very injurious—and as the intended exhibition was exciting the attention of the whole country, he hoped the Government would take up the subject with the view of considering whether some grant should not be made, so that men might not be fined for their generosity or their actions under pressure.

EARL GRANVILLE contended that the noble and learned Lord had somewhat exaggerated the inconvenience which might accrue to the public from erecting this building in Hyde Park. The site proposed for its erection was a narrow slip of grass, nearly opposite to the barracks at Knightsbridge, which was now almost unfrequented. Gentlemen had the privilege of riding there, but it was only during a few days in the year. Some speeches in support of this exhibition had been made last night, which the noble and learned Lord had treated with contempt, but which, in his opinion, were worthy of any place, or of any assembly. He could not but notice

some inconsistency between the present proceedings of the noble and learned Lord, and his proceedings at a public meeting at Westminster, where the noble and learned Lord had eulogised this exhibition as one "well calculated to excite our industry and whet our inventive faculties, and increase our skill by competition with other nations; and, above all, to increase mutual good understanding and friendly feeling among all nations—an object which every lover of his country and of his kind ought to promote." He had likewise told that meeting that he had interrupted his judicial labours in the House of Lords to be present at their proceedings, and expressed a hope that they would allow him to retire at once to resume them, "without considering his departure as inconsistent with that feeling of warm interest with which he regarded this proposed exhibition." The noble and learned Lord had likewise told that meeting that he considered it such an auspicious event that he had broken through a rule which he had observed for twenty years preceding, namely, never to accept an invitation to attend a public meeting. The noble and learned Lord then considered this exhibition as a national object, and he supposed that the noble and learned Lord considered it so still, or why was it so important that the noble and learned Lord would defray the expense of it out of the taxes? Now, the speech of the noble and learned Lord, the other night, did not appear to be made for the purpose of furthering the success of the exhibition; on the contrary, it appeared to be an appeal to the worst prejudices of the manufacturing and trading classes, made for the purpose of exciting them against it. He might be deceived in that notion, but such, at any rate, appeared to him to be the tendency of the noble and learned Lord's observations.

LORD BROUGHAM defended the consistency of his past and present conduct. He still believed that the exhibition would do great good. The manufacturers would gain by the exhibition of foreign ingenuity, which would enable them to strike out new lights, and add fresh improvements to their former inventions. Their gain, however, would only be gain in the long run; presently their profits would be diminished, as prices would be reduced, but ultimately they might be benefited by the result. He had been repeatedly thanked by the shopkeepers and tradesmen of the metropolis for the warning he had given them as to

the effects which they might expect from foreign competition. The noble Earl appeared to suspect that his objects were of a personal nature, arising from pressure from without. Now, that pressure was one of his greatest gratifications, for it showed that he had obtained, and still possessed, the confidence of his fellow-countrymen. He had already said, that he would not himself subscribe to the funds out of which the expenses of this exhibition was to be defrayed, for he did not consider it to be a fit subject for voluntary subscriptions. It was invidious, in men of their Lordships' rank in life, to subscribe towards that which would be immediately beneficial to themselves, and which must for a time be prejudicial to all manufacturers and shopkeepers.

LORD OVERSTONE said, it was a remarkable circumstance that there was not a class in the country which had not put forward some of its most prominent members to aid in carrying out this exhibition in a manner worthy of the high auspices under which it originated, and of the benevolent and sagacious Prince who had first suggested it. When he looked at the public expressions of approval emanating from the most distinguished men both of this and of the other House of Parliament, from the heads of the municipal bodies of the empire, and from the great body of our countrymen in all ranks and in all stations, he saw incontestable proofs that the great mass of the British community was determined to give its cordial co-operation to this exhibition; and, as the events of yesterday had been alluded to, he might be permitted to observe that it was an example unparalleled in the city of London. It would form a remarkable epoch in its history, for on no former occasion had any public banquet in the city of London been attended by so peculiar an assemblage of persons of high distinction in their various stations and pursuits. The venerable head of our Church was present, not less distinguished for his high rank than for his sound learning and sincere piety. There were present some of the first statesmen of every shade of political party—there were present some of our most eminent merchants, there were present also the living representatives of British industry from every town and corporation in the country. These all assembled at that banquet to declare their deliberate conviction, speaking not only for themselves, but also for their constituents, friends, and

fellow-labourers, that this undertaking originated in patriotic motives, and was dictated by really enlightened wisdom. It would be productive of results honourable to the country, beneficial to all its interests, and more especially beneficial to the interests of those working classes with whom the noble and learned Lord opposite had hitherto identified himself in a most honourable manner, and for whose interests he had expected that the noble and learned Lord would have been, on this occasion, a zealous advocate. With regard to the observations which had been made on the speech of the noble and learned Lord at the meeting at Westminster, he had only to say, that as a member of the Commission he had felt it his duty to attend that meeting, and it had, in consequence, surprised him exceedingly to hear the noble and learned Lord now denouncing, by every means in his power—and his means were very formidable—the proposal of carrying out this exhibition by the voluntary subscriptions of the public. The noble and learned Lord was singular in that opinion, for almost every deliberative community in the country, from the highest down to the very lowest, had declared itself in favour of supporting this exhibition by means of private contributions. It had, he repeated, surprised him exceedingly to find that the noble and learned Lord, after having attended the meeting in Westminster, which was called to originate a public subscription, and after having proposed one of the resolutions, and after having expressed so earnestly his concurrence with its object, and after having apologised for coming so late, and retiring so early, and after having declared that he had suspended his judicial labours in the House of Lords, to enable him to take a part in their proceedings, and after having expressed his earnest hope that his early retirement from the meeting would not be construed as indicating any lukewarmness or want of sympathy in the objects of the meeting—it had indeed surprised him exceedingly that the noble and learned Lord should have turned round so suddenly to denounce the voluntary subscriptions which were required for the support of the exhibition. Under such circumstances, he thought that the epithet of “somewhat volatile,” which had been attached last night to the noble and learned Lord’s name was not altogether unreasonable. It was easy to throw out objections, and to find fault, the reply to which would involve much tedious explanation, but their Lordships

had already had a sufficient warning not to yield lightly to the hasty propositions of the noble and learned Lord, who had that very evening confessed that on a former occasion he had thrown out a very ill-considered suggestion respecting the practicability of making the Victoria Park available for this exhibition, and who now proposed to transfer it to the Regent’s Park. The first proposition of the noble and learned Lord was, that the building, which he said would interfere injuriously with the lungs of this great metropolis, should be transferred from Hyde Park to Victoria Park, that was, from a site in a park more peculiarly devoted to the recreation of the higher classes of society, to a site in a park given almost exclusively to the lower. The Commission had not proceeded hastily or without deliberation on these points. It was deeply impressed by a sense of the responsibility which rested upon it. It had received suggestions from scientific men of the most eminent reputation, and it had selected the present site in conformity with their almost unanimous decision. It had determined to carry out this exhibition in such a manner as would render it a memorial worthy of the age in which we lived, and as a lasting proof of the sympathy of the rich in the interests of the poor, and more particularly of the sympathy felt in their welfare by one who now stood nearest to the Throne, and who day by day was drawing more closely the ties which would bind him to the hearts and affections of his adopted country. The question as to the site in Hyde Park had been referred in the first instance to a building committee, which had reported to the commission favourably regarding it. The objection to fixing the site in Regent’s Park was, that that park was not level ground, but of an undulating character; that it was wet and damp, and must be drained before it could be used for building purposes; and that it was, moreover, the favourite resort of the middle and working classes for air and recreation, whilst the site selected in Hyde Park was almost exclusively the resort of the wealthier. The site which the Commissioners had chosen was a space free from the resort of the lower classes, and though it was sometimes occupied by the wealthier, it was only just that they should surrender their advantages for the benefit of the poor, and not that the poor should surrender theirs for the benefit of the rich. It would be an appropriate and gracious concession on the part

of the upper classes. This very day the Commissioners had sat in deliberation on the subject. The several mayors of the different municipal towns in the three kingdoms had attended to share in their councils; and they had endeavoured to impress on the Commissioners the propriety of a temporary surrender by the richer classes of society of the conveniences which they derived during a few months of the year from the use of that part of Hyde Park. The site in Hyde Park was also a site which could be most easily restored to its original condition. The noble and learned Lord on a former evening had expressed a fear that the building would be a permanent structure. He could assure the noble and learned Lord that there was no intention of erecting a structure of that character. On the contrary, the building erected would be of a nature to be removed with the greatest ease, and would not form a lasting incumbrance on the park. Everything that had occurred since this exhibition had been in contemplation justified him in thinking that it would be carried out in such a manner as would be in conformity with the wishes of our most gracious Sovereign, and realise the intentions of the illustrious Prince, whose proud office it was to promote the progress of industry and to sympathise with the wants and wishes of the working classes. The undertaking had still difficulties to contend with; but he trusted that with steady perseverance it would triumph over them all—that it would carry its designs into effect so as to do honour to British industry and to show British sympathy for the industry of other nations—and that it would consolidate and strengthen now and for ever all those amicable relations between the various countries of the world which arise from the mutual interchange of their respective productions, and which must tend to bind nations together in lasting peace and unity.

LORD STANLEY : It is quite unnecessary, my Lords, for me to say a word either as to the objects of the Royal Commission, or as to the site of the exhibition, under any circumstances, after the able and excellent speech just delivered by the noble Lord who has just addressed you for the first time. I hope, however, that I may be excused by your Lordships and by my noble and learned and very grave and discreet Friend, if I say that he has greatly exaggerated the importance of the expression used by me at a festive meeting last

night, when I characterised him by an epithet which, I am sorry to find, has occasioned him some disquietude. Last night, in combating an erroneous impression sought to be inculcated into the minds of the tradesmen and shopkeepers of London, that their pecuniary interests would suffer by the introduction of goods not for sale but for exhibition in the year 1851, I certainly did regret that that impression had received encouragement and support from my noble, learned and “somewhat volatile” Friend. I did use those expressions because I certainly saw some sudden inconsistency and change of opinions and views on the part of my noble and learned Friend in the language which he used at the Westminster meeting, and in that which he addressed to you the other night in his place in Parliament. I really thought that my noble and learned Friend would have taken my expression as a compliment, falling, indeed, below the amount of praise which is due to him, and very unequal to the merits of the individual to whom I applied it. On the point of acuteness, activity, rapidity, and pungency, *sal volatile* is nothing when compared with my noble and learned Friend. You may put a stopper of glass or leather on a bottle of *sal volatile*, or any other ethereal essence; but I defy any human power, even that of my noble and learned Friend himself, to put any stopper, either of glass, or leather, or any other material, over the activity, ingenuity, and pungency of his mind. I will do him the justice to say that I believe that his activity and energy of mind, and that his wit and readiness of humour, are as active and as pungent as any volatile essence; but that they are either offensive or acrimonious is that which no man in his senses will ever assert, and which I shall at all times be prepared to deny. I hope that the long friendship which has existed between us will not be disturbed for a single moment by the expression I used. [Lord BROUGHAM: Hear!] For, henceforward, I shall form a more correct estimate of his character. I shall look on him, hereafter, not as one of those great, rapid, and energetic men, who can make any question important, and who are capable of dealing and taking a part in any and every question, even though they come one after another with such velocity as to seem not continuous questions but only one question; but I shall look on him as a man of a grave, serious, plodding, and rather slow and heavy nature, not hasty in taking



up a subject, nor in laying it down, nor in expressing his opinions upon it—never expressing an opinion on any point which he has not well weighed previously—not taking up many subjects at once, but taking up all separately, and making himself fully and entirely master of one before he adventures on another—content with one at a time, and never hazarding a judgment upon every subject without hearing and without examination, and discreet enough never to speak on any Motion, unless he has previously considered it in every light and in every bearing. And even if my noble and learned Friend should hereafter say anything calculated to disabuse me of that opinion, I shall attribute it to my own want of judgment, and that what appears to be inconsistent with that opinion is not really inconsistent with it. But my noble and learned Friend must forgive me for saying that when he means to speak seriously he should take care that no doubt can exist as to his intentions. If my noble and learned Friend will put himself under my tuition—and, considering the constancy with which he favours us with his company on this side of the House, I may perhaps venture to give him one hint—it is that when my noble and learned Friend favours us with his sincere opinions, he should not give them so much an air of irony, and that when he wants to promote an object like the exhibition of 1851, he should not throw out a sarcasm that is calculated to deter people from supporting it. Because, while he tells the tradesmen of this metropolis that the object which this exhibition is intended to promote is really for their benefit, he couches his ideas in such expressions that a really contrary impression is created, and it is supposed that my noble and learned Friend is really of opinion that they are great fools if they suffer themselves to be deluded by it, and that they are going to do that which is really injurious to their interests. If my noble and learned Friend will adopt my advice in future, and separate that which is serious from that which is ironical, he will avoid such misconceptions as have prevailed upon the present occasion. If his real desire was, as he says, to promote the objects of this great exhibition, I very much regret that my noble and learned Friend did not last night avail himself of the opportunity which was afforded him of accepting the invitation of the Lord Mayor, when we might have thanked him for the effective aid with which he has, it appears, endeavoured to

promote its ultimate success by the speech he delivered the other night in this House.

LORD BROUGHAM said: After a noble Lord in this House and a Royal Commissioner have made my speech the subject of remark, the courtesy of either House of Parliament would allow me the privilege of explaining. My noble Friend has given me his advice, on the use of the figure of irony. Now, I hope my noble Friend will permit me in return to give him a piece of advice, which I do with the greatest earnestness and sincerity of purpose, and with the kindest and most benevolent feeling to him which I can possibly entertain, when I say to him, not always when you are present and hear an argument which you think inconclusive—always when you are present and hear an opinion which you think erroneous—ever when you are present at a debate where an individual openly, above board, and frankly comes forward, and in the presence of those who are supposed to hold different opinions, delivers his sentiments, states his feelings, propounds his reasons, and supports his opinions—ever (and this is an inflexible rule), if you differ with him, if you disapprove the course he is taking, if you despise his authority, if you charge him with inconsistency, if you feel that he is not saying here what he has said elsewhere, at another time or place—then ever and always at once come forward, attack him, defend yourself, and do not wait until the day after, and then, having been silent when he spoke, and having failed to get up, to put him on his defence, to give him an opportunity of explaining himself if he has been obscure—of reconciling himself if he has been inconsistent—of defending himself if what he has said is defensible—instead of that, do not take the opportunity, three miles off, and the day after, and before other people, and when he is not there, to set people laughing at him. My noble Friend may say that no harm was done, and I agree with him; but I must take the liberty of saying, that there is nothing so easy as to raise a laugh against an absent man, nothing so safe as joking about him when he is not there, nothing so secure as to set people laughing at his expense when he is somewhere else. It is the safest kind of joking, and the easiest. Why, does not my noble Friend think that I could have raised the laugh against him if I had said of him last night, “He’s tumbling at the Mansion House, for the amusement of 160 mayors of the provincial towns?” It

would, I admit, have been the dullest possible joke—almost, not quite, as dull as my noble Friend's own joke last night—but still there was no denying it that, dull and stupid as the joke would have been, it would have been successful in exciting a laugh; and that the reporters would have written after it, "A laugh," or "Laughter," I have no doubt whatever. I must say that the noble Lord (Lord Overstone), who has addressed the House to-night for the first time, has delivered himself in a manner creditable to himself. He has shown himself capable of giving us that information which few men possess in a greater extent, and he has also shown himself capable of supporting any side of any question. But the noble Lord will forgive me for saying that when one person attacks another, he ought to take great care as to his accuracy, and still greater care that he does not persist in attributing to that person views which he has disclaimed—views which he has categorically and most significantly and perfectly intelligibly disavowed. The rule is—and the noble Lord, as an experienced Member of this or the other House, will pardon me for apprising him of it—not to impute anything to a person that he denies to have said. And this is a rule of common sense, of courtesy, of common fairness, and of candour, never to impute anything to any man after he has disclaimed it. When the explanation was given to me by my noble Friend (the Earl of Carlisle), I was convinced that I was wrong in one point, and I retracted what I had said about the Victoria Park; and, having done so, it is not right in any noble Lord to come down afterwards and then charge me with having rashly made a suggestion about the Victoria Park. When my noble Friend told me the extent of the Victoria Park and the inconvenience of holding the exhibition there, I at once gave it up. Then as to the Westminster meeting, the resolution I there proposed was, that the presence of scientific men, makers of machinery, artists, and others, who might attend the exhibition from other countries, would greatly benefit us, and that they, again, would benefit by the interchange of ideas on that occasion. Since then a new light has been shed upon the subject, which has made me think that a subscription is not the proper course, but that a public contribution, and not private subscriptions, ought to be the mode of raising the funds for this exhibition. Since that Westminster meeting I have received many communica-

tions, and since I addressed your Lordships the other night, I have received a great many more from tradesmen and professional persons, complaining of the injurious effect of the canvass for subscriptions, and these have changed my views, and have made me unfavourable to private subscriptions for accomplishing the object in view. I cannot vie with the noble Lord (Lord Overstone) in his glowing panegyric on all the parties concerned, from the most rev. Prelate to the illustrious Consort of Her Majesty—I cannot pretend to vie with him in the gorgeous eloquence of his boundless panegyric on all sects of persons, touching all manner of things. He is a grand, a mighty, eulogist—a wholesale dealer in praise. I content myself with giving my simple adhesion, and, it is sufficient for me, in my plain way, to say—not vying with him, as I have said—to state that no one can have a higher respect than I bear towards that illustrious Prince, of which I have given proof on many occasions to the utmost extent of my limited means. And that respect and esteem have been, I will say, greatly increased by the more recent conduct of the Prince—I mean with respect to the interest he has taken in the condition of the working classes at those meetings which he has attended, so that it is difficult to know which most to admire, the sound judgment or the benevolent feelings of the Prince. I have always admired his prudence in a position of a delicate and difficult nature; and I have of late seen cause to admire his feelings on matters of a still higher kind.

Subject dropped.

#### PAROCHIAL EDUCATION.

The DUKE of ARGYLL said\*: My Lords, I can sincerely say that it has not been without some hesitation that I have determined thus early to call the attention of the House to the important subject of education in Scotland. That hesitation, however, has had reference to one circumstance alone. I allude to the fact that notice has been given by a noble Lord in another place of his intention to introduce a Bill upon the subject. I am anxious, therefore, at once to explain that, except in so far as some general principles are concerned, to which I shall feel it my duty to refer, it is very far from my intention to anticipate even my own opinion—far less the opinion of this House—in respect to any measure which may come before us.

The subject of national education is, in Scotland as well as elsewhere, beset with many difficulties. But there is one circumstance peculiar to that country, with reference to which the whole of those difficulties must be viewed, and according to the view we take of which they may be either diminished or increased. The circumstance I allude to is this—that in Scotland there is, and has long been, a system of education, national in its origin and object, and, to a great extent at least, national in its character and effect. A party has been formed in Scotland, composed of somewhat heterogeneous materials, who appear to think that the first step to be taken is to upset this system altogether, and to substitute some other in its stead. What that other system is to be has not been so distinctly stated; and I suspect that the suffrages which are united in pulling down, would be by no means equally united in building up. Now, my Lords, the petitions which I have the honour to lay on the table of the House do not pray that your Lordships will take no steps to extend education in Scotland—they do not pray that you will take no steps to improve the education already existing. They pray only that this House will agree to no measure involving any radical or fundamental change in the constitution of those schools which by law are placed in connexion with the Established Church; and to this point it is my intention strictly to confine the observations I shall have the honour of addressing to the House.

My Lords, the parochial system of Scotland, considered merely as an institution of the law, is of no very ancient date; although a date with which we connect not a few of the institutions which we value most—I mean the period immediately succeeding the Revolution. But to understand the real character of this system, we must go much further back. It was at the first establishment of the Reformation in Scotland that the parochial system was first planned, and submitted by the Reformers for the adoption of the State; and, although it was not then adopted by Parliament, but was left to the unaided exertions and authority of the Church, yet to a large extent it was carried by these into practical effect; and the subsequent statutes enforcing this system can only be considered as giving the sanction of law to a system which had been first conceived and already carried into effect by the Church itself. I shall not detain you

by dwelling on the advantages which this system has conferred on Scotland. Your Lordships have all at least a general impression that hitherto, at least, that country has been somewhat before others in the moral and intellectual cultivation of its people; and you have all a further impression that this result has not been unconnected with the parochial schools. But I am perfectly willing to allow that this system must now be considered mainly with reference to two great changes of circumstances—the increase of population and the progress of dissent.

Your Lordships are of course aware that at various periods in the history of the Church of Scotland, sections have split off from her communion and formed independent bodies. I do not stop to inquire what the causes of these divisions have been; but I am anxious to direct your attention to one peculiarity which belongs to them. The differences between the Established Church and those bodies which have separated most widely from her, are not only less, but are as nothing to the differences which exist between the members of the same body, included in the wide embrace of the Church of England. Not only do these differences not refer to matters of doctrine, but not even, for the most part, to matters of discipline. They have reference chiefly to the lawfulness of the connexion, and the degree of connexion lawful between Church and State. Now, my Lords, mark the consequences of this fact on the question of education. When the Dissenters of Scotland send their children to the parochial schools, they find there precisely the same religious teaching—the same Catechisms and forms of faith which they themselves approve of, and on which in their own schools they would conduct the religious education of their children. The consequence has been, that the children of all sects have freely attended the parish schools, and I have evidence before me (with which I shall not trouble the House, though it is evidence taken before a Committee of this House) showing that on all hands it has been freely acknowledged that Dissenters find in the parish schools no other teaching than that of which they themselves approve; and that no attempt has ever been made, as indeed none such is possible, to influence the minds of their children on those more abstruse and difficult points on which alone they differ from the Established Church.

illustrative of the large and liberal spirit in which those schools have been conducted, were I not to mention the cases in which the Church has been called upon to deal with the children of a very different communion. Your Lordships are, of course, aware that there are several districts in Scotland, chiefly in the Highlands and Islands, in which a large Roman Catholic element exists; and in these districts the General Assembly laid down a rule with reference to their own schools, which are still more entirely than the parish schools under the control of the Established Church, that the children of the Roman Catholics were to be freely admitted to the benefit of the general education given in the schools, without insisting on their receiving any religious instruction to which their parents or priests might object.

Such being the position of the parochial schools with reference to Protestant dissent, and such being the large and liberal spirit in which the system is conducted with reference to those even who differ most wisely from the Established Church, I need hardly explain to the House that the agitation which has been raised of late for the overthrow of the parochial system, is one which is founded in the main—I do not wish to use any irritating or offensive expression—on those feelings which all Dissenters bear to all Established Churches, especially to those which they have lately left, and from which they differ least. Of course, however, such are not the grounds on which the movement must ostensibly rest: other grounds have undoubtedly been put forward. One argument I have heard used is this—being in fact the same argument which has been always used against Established Churches—that what is supported by all should be open to all. I have but one objection to make to this argument; at least one only with which I shall now trouble the House—that it involves two mis-statements of fact. First, it is not true that the parochial schools are supported by all—they are supported by endowments raised exclusively from the proprietors of land; and, secondly, they are already open to all. I do not, indeed, contend, that the endowment either of Established Churches or of established schools are independent of the Houses of Parliament; but I never can allow that they stand precisely on the same footing as the grants made out of the public Treasury under the ordinary votes of the Legis-

Well, but, my Lords, I have heard another argument put forward. The party of purely secular educationists, or those who wish to separate entirely religious from secular education, are, I believe, a very small party in Scotland. But an intermediate ground has been taken by those who seek only to overthrow the connexion between the parochial schools and the Established Church; and it is characteristic of the tendencies of the Scotch people that this ground has taken the form of a dogmatic affirmation, as if, on a point of abstract principle, that there is no legitimate connexion between Church and School—that the “schoolmaster (for so it has been expressed) has no *locus standi* on the Word of God.” I shall certainly not detain the House by any argument on this point. I am glad, however, of this opportunity of declaring my distinct conviction, that of all the duties incumbent on the Church of Christ, in all the branches into which it may be divided, one of the first and most sacred of all is that of seeing to the religious instruction of the young. And, my Lords, I never can admit that the rights of parents are incompatible with this duty on the part of Churches. The one has been ingeniously pitted against the other in a recent manifesto put forth in Scotland. A strong assertion of the rights of parents is made to cover the attack on the connexion between Church and School. My Lords, no one would be more determined than I would be to uphold the most absolute liberty of conscience on the part of all, and, as involved in this, the undoubted rights of parents in respect to the religious instruction of their children. And if I am asked how I would reconcile the rights of parents with the duties of Churches, I should point to the parochial schools of Scotland, as I have already explained their operation to the House. Under that system, religious instruction, according to certain known and definite forms, is made a part of the education offered; and the onus of objecting to that instruction is thrown upon the parent. His objection, if stated, is respected—as it ought to be. But your Lordships will observe the enormous difference between giving no religious instruction except such as parents may demand, and forbearing to give any religious instruction to which the parents may take it on themselves to object. In the latter case you have some security—not merely that the objection is *bona fide* a conscien-



tious one—but also that religious instruction, though withheld in the form in which it is offered, will really be given in some other form consistent with the parent's faith. But only imagine, my Lords, how the other system would work in those districts where education is most required. Take the manufacturing, mining, or other destitute districts of Scotland, where the parents, neglected themselves, are of course neglecting the religious education of their children. Would it be right to give to those children no other religious instruction than that which their parents might supply? Can you, consistently with your duty, under such circumstances, leave the work of communicating religious instruction exclusively to parents?

But, supposing that Parliament were to overthrow the parochial system of Scotland in its distinctive features, on the ground that schools ought not be connected with Churches, the object in view would not be effected. You would have interfered with this connexion in a case where you know it is characterised by no intolerance of spirit, but conducted in a spirit of the greatest liberality, and you would leave untouched the same connexion in respect to all the Dissenting Church-schools: where at least you have no similar security against a proselytising and sectarian spirit. And be it observed that the demand against the schools in connexion with the Established Church is urged by men who have set up schools in jealous connexion with their own ecclesiastical body, and the constitution of which you have publicly authorised and sanctioned. I hold in my hand the model deed of the Free Church Schools, to which the noble Marquess opposite (Lansdowne) has given his assent, as President of the Council. Under this deed, the constitution of the schools is, as I have said, jealously ecclesiastical—the masters are dismissable at the absolute will and pleasure of the Free Church ecclesiastical courts, and the most stringent provisions are introduced to maintain a close and perpetual connexion between that ecclesiastical body and its schools. I am bound to inform the House, that, though thus strictly ecclesiastical in organisation and control, those schools are represented by the Free Church as being entirely unsectarian in spirit, and open to the children of all. But supposing this to be universally true, those schools can but aspire to the character in this respect which you know

to belong to the parochial schools in connexion with the Established Church.

I come now to the last argument against the parochial schools with which I shall trouble the House upon this occasion. It is said that they are inadequate to the extent of population. My Lords, I at once admit the fact of inadequacy. But what do I hear urged in the next breath by certain of the agitators against the parish schools? That the Established Church is engrossing the whole education of the country—and that two-thirds of the people cannot consent to be educated by the Church of one-third? My Lords, passing by the question of amount, these two arguments cannot stand together. The facts on which the first is founded I admit; the second is a mere expression of party feeling. It is perfectly true that the parochial schools are inadequate. But what does this prove? Not that schools already existing, and so far as they go working well, must have their constitution overthrown; but that there is room enough on unoccupied fields on which any new system may well be tried. You know, my Lords, the difficulties which stand in the way of any national system being devised which shall satisfy the feelings of the country by combining religious and secular education, and satisfy also sectarian jealousies by the absence of any particular ecclesiastical connexion. You know, my Lords, that in England it has been as yet found impossible to frame any national system of education, except by aiding the exertions of individual Churches. I am far from denying that that peculiar circumstance in the character of Scotch dissent to which I have before referred—the substantial agreement of a great majority of the people in all matters of doctrinal faith—I am far from denying that this circumstance does hold out a hope that such a system might more easily be applied in Scotland than elsewhere. But you know that it would be an experiment made on most difficult ground. And none know this better than some who are now leading the attack on the parish schools. One of the Free Church leaders in the agitation, when referring to the objection that the same argument which would disunite Church and School, as regarded the Establishment, would go to disunite them also as regarded the Free Church, at once declared that it formed no part of his intention to abandon their own scheme until they should see how any new system might work. I advise your

Lordships to adopt a similar prudential course. It may be very natural for the Dissenting Churches to desire this experiment should be tried first on the schools which belong by their constitution to the Established Church. But it will be equally natural, I think, for those who are not impelled by the same feelings to make this old institution of the country the last rather than the first object on which experiments should be tried. For my own part, I can sincerely say that I have no feeling which would prevent me from co-operating with the Free and other Dissenting Churches in extending the means of education over the wide fields which lie unoccupied. The British and Foreign School Society, formed upon the basis of uniting different Churches (within a certain limit) in the cause of education, has, I believe, had the most beneficial effect in England. Scotland offers a most favourable field for such an organisation. But whether on this or any other plan, it may be found possible to unite all parties in the cause of education, I do feel much disposed to agree with the prayer of these petitions that your Lordships will be very careful how you make any radical or fundamental change in the constitution of the parochial schools: and the more inadequate they are in point of numbers to the wants of the population, the more evident is that, even if less liberally conducted than they are, the Established Church possesses in them no inordinate influence over the education of the country; and the more evident also is it that our first efforts ought to be directed to the vast fields which lie unoccupied, rather than to effecting radical change in an institution of such a character as the Parochial Schools. I cannot despair, my Lords, of uniting, at least in some degree, the various Churches in Scotland in more legitimate endeavours when I look at such publications as that which I now hold in my hand—a pamphlet by an able and excellent minister of the Free Church, Dr. Buchanan of Glasgow. When I find such men pointing to such facts as this—that 187,000*l.* a year are spent in Glasgow on pauperism and the detection and punishment of crime, as against 35,000*l.* a year spent on all the churches and schools put together—when, I say, I find such men directing their attention to such facts, and calling on the various churches to unite in meeting social evils of such enormous magnitude, I cannot despair of the call being responded to, and some effort of a national

character being made in the cause of education.

My Lords, it has not been my object to enter into any details, but merely to put the House in possession of some of the main bearings of the question of National Education in Scotland. I have avoided many points of importance on which I shall be prepared to speak when a fitter opportunity occurs.

The MARQUESS of LANSDOWNE thanked the noble Duke for his able and lucid statement. He had himself had occasion to be officially in communication with the representatives of the Scottish parochial schools, and to have heard much of them. And although he was far from saying that they were in a perfect state, or sufficiently developed to meet the wants of the country, still he should much regret seeing any system of education attempted or adopted in Scotland the basis of which should not be founded on the principles of the parochial schools—schools which had been the means of founding in Scotland that great national pre-eminence in education which, for a long time, that country had held in the eyes of the world. Entertaining these views, however, he still could not but regret that many individuals connected with these schools did not seem prepared to lend their influence and exertions towards such an opening of the parochial schools as might enable them to fulfil, in a larger degree than they at present could, the great mission with which they were charged—the education of the people. While he thus wished to see the parochial schools maintained intact, as regarded their principle, he was far from saying that other institutions might not, at the same time, be made to co-operate with the parochial system, and he had seen with admiration the efforts made by the Independent Church in Scotland, on the principle of that aggressive system, as it was called, by means of which it was sought to carry education into the homes of the ignorant and poor. He could not sit down without stating to their Lordships that both the Free and the Established Church in Scotland had met the efforts of the Committee of Privy Council in that spirit of harmony, confidence, and toleration which had made those efforts more successful than they would otherwise have been, and that there existed a cordial and practical co-operation on educational subjects between both Churches and Her Majesty's Government.

LORD BROUGHAM thought that, after

the most lucid, useful, and very succinct speech delivered by the noble Duke, it was important that their Lordships should not interfere, in the slightest degree, with education in Scotland, except in the way of encouragement. They might, without meaning it, in the steps they took for extending the parish school system, do some detriment to what ought to be preserved intact, and, therefore, cautious legislation was desirable. He was sorry to say that the torch of education, which had been first lighted in Scotland, no longer yielded the same light as it had done formerly, and that Switzerland greatly exceeded Scotland, and the best parts of Scotland too, in her educational efforts.

The petition was then laid on the table.

#### THE CASE OF THE EMIGRANT SHIP "SABRAON."

The EARL of MOUNTCASHELL rose to move—

"That an humble Address be presented to Her Majesty, for a Copy of the Minutes of Proceedings affecting the Character and Conduct of the Surgeon, Superintendent, Master, and Officers of the Emigrant Ship *Sabraon*, referred to in despatches No. 116 and No. 242, from Governor C. A. Fitzroy to Earl Grey, last year."

He said, that his reason for endeavouring to have those Minutes of Proceedings presented to the House was, that he found that although they were alluded to in the despatches, they had never yet been printed, and, for the sake of all the parties concerned, he thought it better that they should be. Several letters upon the subject had appeared in the public papers. One from the captain of the *Sabraon*, and another from the mate—two parties who were accused of being participators in the serious atrocities committed on board that vessel. Both of them endeavoured to exculpate themselves. It was not for him either to condemn or advocate their cause; but he thought it was highly necessary that the subject should be properly inquired into and candidly stated to the public; the more so, because the captain complained that he was not allowed to bring forward his witnesses upon the investigation that took place in the colony, and that none of the witnesses were sworn on that occasion. Now, the charges made were very serious. The grossest debaucheries were said to have occurred openly on board the vessel, and the death of one of the females said to have been debauched had taken place. Surely, under such circumstances, the au-

thorities were bound to have examined the witnesses on oath. There were charges of not having supplied the emigrants with sufficient food, and that spirits were sold on board and given to the females; offences punishable under the Passengers' Act. And it was, besides, alleged that occurrences had taken place on board that were too horrible to be related. The females debauched during the voyage consisted chiefly of orphan girls from Ireland, twelve of whom were from Dublin from a foundling establishment there. The Government had promised that those girls should be carefully looked after; but how had that promise been kept? The surgeon, who was bound to protect them, had proposed shortly after the vessel sailed that the captain and the mates should engage some of them to wait upon them as servants, and the result was of course what might have been expected. One of those girls who waited upon the captain died before her arrival at the colony of miscarriage, as some alleged, brought on by medicine given to her to procure abortion; but as the captain alleged, of fever. At all events, the girl lost her life. She fell a victim. He begged to refer their Lordships to the papers relative to emigration printed by order of the House of Commons, on the 31st July, 1849, page 27, where they would find the charges against the captain and officers. Under the seventh charge it was alleged that the captain had failed to prevent unrestricted intercourse between the officers and sailors and the females on board; that he had taken one girl to wait upon himself, and that she had died from the effects of miscarriage before the arrival of the ship at her destination. Another girl was named who had been debauched during the voyage, and who was then an inmate of a notorious brothel in the colony; and another, who also had waited upon the captain, had been seen in a situation which left no doubt that she also was receiving the wages of prostitution. The charges against the third mate were found to have been fully proved, and it was recommended that the usual gratuities should be withheld from the captain and the other officers named. Now, he wanted to know had any inquiry taken place into the death of the unfortunate orphan girl? Had the vessel been homeward bound, there would have been a coroner's inquest held in this country. But here was a case which would never have been brought before their Lordships and the public, if he had not taken it

up. [Earl GREY : Hear, hear !] To the present hour the Dublin poor-law guardians, he believed, did not know the name of the unfortunate party who fell a victim upon the voyage. He wished to let it be known to them and to her friends and connexions, if she had any, and that the publication of the facts might also serve as a safeguard for time to come to other poor unfortunate females who should not be suffered to run such a risk. For these reasons, he thought it was necessary that the returns should be granted, in order that others should not trust to the promises made by officials. He did not expect that any objection would be made by the noble Earl. The only objection he knew of that might be possibly offered was, that the returns would be too voluminous; but he could not admit that to be a valid objection in such a case. Upon a former occasion, he had mentioned, as stated in the official documents, that the surgeon-superintendent of one of the emigration vessels, the *Equestrian*, "had not shown sufficient energy." That gentleman had called upon him and shown him the highest possible testimonials of ability and perfect fitness for the office of surgeon-superintendent. He (the Earl of Mountcashell) was very anxious to do perfect justice to every one, and therefore he took the earliest possible opportunity of stating the fact. Of course, he could not tell whether the gentleman was deficient in energy or not. He had merely stated what was the information which he had received from papers laid by the Government on the table of the House; and the surgeon had shown him the highest testimonials to the contrary, and had requested him to mention the fact. But he wished to do no man wrong; he was merely anxious to guard the emigrants. There was another explanation also which he was desirous to offer. He had stated upon the last occasion that the emigrants were badly supplied with water and provisions. That the water was bad, and that 1,800 tierces of salt American beef, and 2,000 barrels of pork of very inferior quality had been sold in Liverpool, there was every reason to suppose, for the use of Australian emigrant ships out of the port of London. These parties denied that the inferior provisions were shipped on board emigrant ships. He had mentioned no names; he never dreamed of hurting the feelings or interests of any one. He had received a visit from a member of the firm of Messrs. Powell and Sons, an emi-

nent house in the City, who begged him to state that they were not to blame in the matter—that they had purchased 900 tierces of the beef alluded to, but not with the intention of putting it on board any emigrant vessel. They submitted to him a statement to show that they were obliged to keep meat of all descriptions, and varieties, and prices, to suit their various customers, and that they were chiefly foreign vessels that took the lower brands; that he might trust to their high character for the truth of their statements; that they were well known in the City, and that their word might be entirely relied upon. However, as he had said before, he merely mentioned the facts that he had received, and there was no doubt the inferior meat had been sold in Liverpool, as he had stated. Another matter also to which he should allude, in explanation, was this: He had that morning received a letter, signed "G. Sparkes, M.D., Finsbury-place," and dated the 22nd March instant, relative to the case of the *Mary Anne*, which had sailed for New Zealand in the year 1841, of which he had spoken upon the last occasion. Dr. Sparkes stated that, as Government Medical Inspector, he had been down at Gravesend on the preceding day, where he had met the officer of the *Diana*, Mr. Lamprell—who had written the letter to the *Times*, denying, on the part of Mr. Bell, who was formerly chief mate of the *Mary Anne*, the charges made by him (the Earl of Mountcashell)—and that Mr. Lamprell had informed him that it was the second mate, Mr. G——, who had been guilty of the disgraceful conduct erroneously attributed to the first mate, and that he died some time after his elopement with the wife of a military man. He (the Earl of Mountcashell) would not mention the man's name in full, as he was dead; but he thought it right to state the information received from Dr. Sparkes, in order that Mr. Bell's character might not suffer under a wrong imputation. Another matter also he should allude to. When he mentioned the case of the four girls on board the *Ramilies*, who were flogged for misconduct—he had no doubt their conduct was very outrageous, one of them having struck the matron, but he denied that flogging was a fit or proper punishment for women—the noble Earl, replying, said that all they received was a few strokes across the neck. But he (the Earl of Mountcashell) would prove that it was a more serious punishment. He had a letter



from one of the girls on board. She was not one of those flogged, but she witnessed the flogging, and she said, "Some of the girls were put in irons and flogged; their names were Phœbe Spooner, Margaret Mack, Catherine Morgan, and Jane Dowling." And if their Lordships would give him a Committee, he would prove the fact, that these girls were stripped to the waist, and flogged on their bare backs, and that the captain said they were not hit hard enough, and desired another person to take the rope and strike harder, the surgeon standing by and holding their arms. The carpenter, by order of the captain, then made hatches into which they were put, and which were so contrived, that they could neither stand upright, sit, nor lie down in them; that the carpenter eventually, upon his own responsibility, took a board or two away, in order that they might be able to stand upright. The surgeon's conduct, too, was most reprehensible. If he had kept a journal, as it was his duty to do, it would then have been seen that there was as much bestiality and brutality on board that vessel as on board any other of which he had spoken. But he had still another proof for the noble Earl. Here, said the noble Lord [*pulling out a piece of platted rope, the thickness of a man's little finger, about two feet and a half in length, from his pocket*], is the identical rope with which the girls were flogged. It had been brought to him by a person who was on board, and who had seen it used upon them. He wished that the noble Earl would be more cautious in his assertions, and in his mode of replying, when he got up to answer him. Of course, there was more attention paid to what he said than was paid to what was said by one who was not in an official situation, and he, therefore, ought to make himself master of the subject, before asserting that all they received was a few strokes across the neck. He trusted that, at all events, the noble Earl would take such measures as would prevent their ever again hearing of such things being done on board emigrant ships. He (the Earl of Mountcashell) had brought forward several charges, but he could bring forward many more. The noble Earl, the other night, wished to make it appear that he (the Earl of Mountcashell) wanted to charge all medical men appointed to emigrant ships with incompetency. He begged to say he wanted to do no such thing. He knew many medical men who were very fit for

the proper discharge of the duties; but many others were unfit. The noble Earl then threw out various suggestions as to the future management of convict ships, such as better remuneration to medical men, paying more regard to the enforcement of the penalties imposed under the Passengers' Act, taking greater precautions in the selection of surgeons, giving at all times the preference to married men; passing an Act for the more summary punishment of the crime of seducing women on board; and that of granting of medals to well-conducted female emigrants, to be taken from them on any occasion of subsequent misconduct during the passage, or afterwards. He begged, in conclusion, to state that if no remedy should be provided for the present state of things, he would take up the matter from Session to Session, and he never would be quiet till some remedy was provided for these abuses, which were a disgrace to a Christian land, and which he did not believe existed in any other country. He concluded by moving for the production of the minutes of evidence taken in the case of the emigrant ship *Sabraon*.

EARL GREY complained that the noble Earl had occupied an hour and a half of the attention of the House in making a series of charges which were most futile in their nature, and of which it might with perfect propriety be termed idle gossip, which had been collected from various quarters; and he should not occupy their Lordships' attention many minutes in assuring them that there was scarcely one of those statements which had a particle of foundation in fact. With regard to the noble Earl's Motion for the production of the minutes of the evidence respecting the conduct of the officers connected with the ship *Sabraon*, he begged to say that, believing as he did that no good purpose could possibly be served by the production of those minutes, he could not reconcile it with his sense of duty to accede to the noble Earl's application. The noble Earl had not made out his case in a satisfactory manner. He had omitted to explain the particular object that he had in view in making this application, nor had he mentioned any one beneficial result which could ensue from an acquiescence in it. The one case of abuse and misconduct which had unhappily taken place on board of the *Sabraon* was undoubtedly most lamentable and disgraceful. That it was fairly susceptible of such a designation, and that it

reflected a great discredit on all who were concerned in it, was not for a moment to be questioned; but he begged leave to remind the noble Earl that the case had been made the subject of a minute and rigorous investigation a long time ago, and that it had been definitely disposed of. No sooner had the ship arrived at Sydney, than the whole affair was examined into with the most zealous care and the strictest minuteness. The evidence that was taken down on the occasion of that investigation was published in Sydney, where alone its publication could be attended with any beneficial consequences; and the result of the whole investigation was, that the charterers of the ship were mulcted in no less a sum than 500*l*. Thus the case was summarily and definitively disposed of. The only result that would follow from the republication of the evidence now, at a very considerable expense to the country, would be that the evidence so republished would be as so much waste paper on their Lordships' table. Nobody would read the bulky volume except the noble Earl himself, and he (Earl Grey) had already informed him that a full copy lay at the Colonial Office, which the noble Earl might read whenever he pleased. He was sure that if there were more of their Lordships present, they would concur with him in the opinion that if, under these circumstances, he were to consent to saddle the public with the expense of reprinting the evidence, he should be pursuing a course which was anything but consistent with his duty. He did not think it at all necessary to follow the noble Lord through his lengthened statement, nor to allude to those assertions of his, which were but repetitions of what he had stated on former occasions. He might be permitted, however, to make one or two observations to show that the noble Earl, actuated no doubt by the purest motives, had nevertheless been misled by others into making statements which were not at all justified by the facts of the case. The whole tone and tenor of the evidence that had been laid before their Lordships on the subject of emigration, went to show that those who were connected with the conduct of emigration had for the most part discharged their duty in a most exemplary manner. The report of the emigration agents in New South Wales went most distinctly to show that the emigrants last year had been most judiciously selected; that they had arrived at their destination in good health and in good

spirits; that they had been, generally speaking, very well treated during the voyage; and that no serious case of abuse or misconduct had come under their notice, except that one on board the *Sabraon*, which all concurred in condemning and deploring. In attestation of the truth of these statements, he might refer to an article which had been recently published in the columns of the *Sydney Morning Herald*—the leading paper in the colony, and a journal which had been always distinguished for the very unreasonable severity with which it animadverted upon the proceedings of the emigration commissioners and agents. [The noble Earl read an extract from the paper in question, which was in effect that the last report of Mr. Merewether had produced upon the writer's mind the conviction that, as regarded the judicious selection of emigrants, the treatment they received on the passage, and the means adopted to insure them a fair start upon their arrival in the colony, the emigration of last year had been conducted in a manner greatly superior to that in which any emigration to those shores in former years had been arranged. The writer also observed that it would be an injustice to deny that the report evidenced the great ability and diligence of the emigration agents, and proved, as did also the facts that had come to his own knowledge, that the whole business of that officer's department was conducted with admirable order and good sense.] Such was the testimony of men who lived on the spot, and who spoke, not from hearsay or vague report, but according to the impressions produced upon their minds by what they personally witnessed. The noble Earl boasted of having done considerable good by the part he had taken on this question, but he (Earl Grey), though he was willing to give the noble Earl the fullest credit for meritorious motives, was inclined to believe that, so far from doing good, he had effected a great deal of harm. By the too easy credulity with which he allowed himself to be misled by the erroneous representations which had reached him from disingenuous and interested parties, he had inflicted a grievous injustice on many deserving persons. On the faith of an anonymous statement which had appeared in an obscure paper (the *Australian News*), respecting the conduct of the captain of the ship, John Mann, he had made charges against that officer which were in the highest degree prejudicial to his character, and which he (Earl Grey)

The subject of national education is, in Scotland as well as elsewhere, beset with many difficulties. But there is one circumstance peculiar to that country, with reference to which the whole of those difficulties must be viewed, and according to the view we take of which they may be either diminished or increased. The circumstance I allude to is this—that in Scotland there is, and has long been, a system of education, national in its origin and object, and, to a great extent at least, national in its character and effect. A party has been formed in Scotland, composed of somewhat heterogeneous materials, who appear to think that the first step to be taken is to upset this system altogether, and to substitute some other in its stead. What that other system is to be has not been so distinctly stated; and I suspect that the suffrages which are united in pulling down, would be by no means equally united in building up. Now, my Lords, the petitions which I have the honour to lay on the table of the House do not pray that your Lordships will take no steps to extend education in Scotland—they do not pray that you will take no steps to improve the education already existing. They pray only that this House will agree to no measure involving any radical or fundamental change in the constitution of those schools which by law are placed in connexion with the Established Church; and to this point it is my intention strictly to confine the observations I shall have the honour of addressing to the House.

My Lords, the parochial system of Scotland, considered merely as an institution of the law, is of no very ancient date; although a date with which we connect not a few of the institutions which we value most—I mean the period immediately succeeding the Revolution. But to understand the real character of this system, we must go much further back. It was at the first establishment of the Reformation in Scotland that the parochial system was first planned, and submitted by the Reformers for the adoption of the State; and, although it was not then adopted by Parliament, but was left to the unaided exertions and authority of the Church, yet to a large extent it was carried by these into practical effect; and the subsequent statutes enforcing this system can only be considered as giving the sanction of law to a system which had been first conceived and already carried into effect by the Church itself. I shall not detain the House

by dwelling on the advantages which this system has conferred on Scotland. Your Lordships have all at least a general impression that hitherto, at least, that country has been somewhat before others in the moral and intellectual cultivation of its people; and you have all a further impression that this result has not been unconnected with the parochial schools. But I am perfectly willing to allow that this system must now be considered mainly with reference to two great changes of circumstances—the increase of population and the progress of dissent.

Your Lordships are of course aware that at various periods in the history of the Church of Scotland, sections have split off from her communion and formed independent bodies. I do not stop to inquire what the causes of these divisions have been; but I am anxious to direct your attention to one peculiarity which belongs to them. The differences between the Established Church and those bodies which have separated most widely from her, are not only less, but are as nothing to the differences which exist between the members of the same body, included in the wide embrace of the Church of England. Not only do these differences not refer to matters of doctrine, but not even, for the most part, to matters of discipline. They have reference chiefly to the lawfulness of the connexion, and the degree of connexion lawful between Church and State. Now, my Lords, mark the consequences of this fact on the question of education. When the Dissenters of Scotland send their children to the parochial schools, they find there precisely the same religious teaching—the same Catechisms and forms of faith which they themselves approve of, and on which in their own schools they would conduct the religious education of their children. The consequence has been, that the children of all sects have freely attended the parish schools, and I have evidence before me (with which I shall not trouble the House, though it is evidence taken before a Committee of this House) showing that on all hands it has been freely acknowledged that Dissenters find in the parish schools no other teaching than that of which they themselves approve; and that no attempt has ever been made, as indeed none such is possible, to influence the minds of their children on those more abstruse and difficult points on which alone they (for the most part) differ from the Established Church. But I should omit a circumstance materially

illustrative of the large and liberal spirit in which those schools have been conducted, were I not to mention the cases in which the Church has been called upon to deal with the children of a very different communion. Your Lordships are, of course, aware that there are several districts in Scotland, chiefly in the Highlands and Islands, in which a large Roman Catholic element exists; and in these districts the General Assembly laid down a rule with reference to their own schools, which are still more entirely than the parish schools under the control of the Established Church, that the children of the Roman Catholics were to be freely admitted to the benefit of the general education given in the schools, without insisting on their receiving any religious instruction to which their parents or priests might object.

Such being the position of the parochial schools with reference to Protestant dissent, and such being the large and liberal spirit in which the system is conducted with reference to those even who differ most wisely from the Established Church, I needly hardly explain to the House that the agitation which has been raised of late for the overthrow of the parochial system, is one which is founded in the main—I do not wish to use any irritating or offensive expression—on those feelings which all Dissenters bear to all Established Churches, especially to those which they have lately left, and from which they differ least. Of course, however, such are not the grounds on which the movement must ostensibly rest: other grounds have undoubtedly been put forward. One argument I have heard used is this—being in fact the same argument which has been always used against Established Churches—that what is supported by all should be open to all. I have but one objection to make to this argument; at least one only with which I shall now trouble the House—that it involves two mis-statements of fact. First, it is not true that the parochial schools are supported by all—they are supported by endowments raised exclusively from the proprietors of land; and, secondly, they are already open to all. I do not, indeed, contend, that the endowment either of Established Churches or of established schools are independent of the Houses of Parliament; but I never can allow that they stand precisely on the same footing as the grants made out of the public Treasury under the ordinary votes of the Legislature.

Well, but, my Lords, I have heard another argument put forward. The party of purely secular educationists, or those who wish to separate entirely religious from secular education, are, I believe, a very small party in Scotland. But an intermediate ground has been taken by those who seek only to overthrow the connexion between the parochial schools and the Established Church; and it is characteristic of the tendencies of the Scotch people that this ground has taken the form of a dogmatic affirmation, as if, on a point of abstract principle, that there is no legitimate connexion between Church and School—that the “schoolmaster (for so it has been expressed) has no *locus standi* on the Word of God.” I shall certainly not detain the House by any argument on this point. I am glad, however, of this opportunity of declaring my distinct conviction, that of all the duties incumbent on the Church of Christ, in all the branches into which it may be divided, one of the first and most sacred of all is that of seeing to the religious instruction of the young. And, my Lords, I never can admit that the rights of parents are incompatible with this duty on the part of Churches. The one has been ingeniously pitted against the other in a recent manifesto put forth in Scotland. A strong assertion of the rights of parents is made to cover the attack on the connexion between Church and School. My Lords, no one would be more determined than I would be to uphold the most absolute liberty of conscience on the part of all, and, as involved in this, the undoubted rights of parents in respect to the religious instruction of their children. And if I am asked how I would reconcile the rights of parents with the duties of Churches, I should point to the parochial schools of Scotland, as I have already explained their operation to the House. Under that system, religious instruction, according to certain known and definite forms, is made a part of the education offered; and the onus of objecting to that instruction is thrown upon the parent. His objection, if stated, is respected—as it ought to be. But your Lordships will observe the enormous difference between giving no religious instruction except such as parents may demand, and forbearing to give any religious instruction to which the parents may take it on themselves to object. In the latter case you have some security—not merely that the objection is *bona fide* a conscientious



MR. HUME said, that it would be much better if they repealed every Act connected with these colonies, and passed a simple one for them. If they left things as they were, it would only lead to inextricable difficulty and confusion.

Clause agreed to.

On Clause 2,

MR. WALPOLE rose to move the omission of the clause, when

MR. BOUVERIE said, he had a question to put to the noble Lord respecting the filling up of the blank in this clause with "one-third" of nominated members, which it would be convenient to have answered before the hon. and learned Member for Midhurst brought forward his proposition. As the clause was framed, one-third of the members of the legislative council were to be nominated by the Crown; but he believed it was intended that of these only one-half or one-sixth of the whole chamber might be officials. As the Act was framed, however, it was doubtful whether the whole one-third might not be officials. He wished to know from the noble Lord whether one-third or one-sixth only might be officials?

LORD J. RUSSELL said, that he considered the present Bill would have the effect of limiting the number of persons holding office among those nominated by the Crown to one-half. That, certainly, was the intention of the Government in framing the Bill, but he was not able to state whether, legally, the words of the Act would bear that interpretation; if he found that they would not, he would take care that some words should be inserted which would fully carry out his views.

SIR W. MOLESWORTH thought that the uncertainty of the noble Lord as to the meaning of this clause afforded a pretty strong proof of the necessity of simplifying the Bill.

LORD J. RUSSELL said, that he had referred only to the legal interpretation of the words; he did not consider that he was lawyer enough to give an opinion upon such a subject. The views of Her Majesty's Government had been clearly enough stated.

MR. HUME thought, that as the Bill proposed to give two elective councils to the Cape of Good Hope, there was no reason why the Australian colonies should be dealt with in a different manner. If the power of appointing the Crown nominees were removed, he believed the measure would meet with the general concurrence

of hon. Members on his side of the House, and afford greater satisfaction to the colonists, who had entertained great objection to nominees.

MR. MOWATT was of opinion that it was a question of comparatively little moment whether the colonies had one or two chambers, provided the power was left with them of deciding which they would have. The only blemish in this Bill was the clause which they were now discussing, in which it was proposed to nominate one-third of the council proposed by the Bill, and afterwards provided that the colony should make such alterations as they thought proper—the very power of expressing an opinion upon the subject being taken from the colonists by the introduction of the Crown nominees into the council. He was anxious to know whether the Government intended to adhere to that part of the Bill with respect to Crown nominees?

LORD J. RUSSELL said, that the House would recollect that originally the legislative council of New South Wales was altogether appointed by the Crown, and no person could sit in that council except by appointment from the Crown. That state of things had been altered by a subsequent Act of Parliament, and two-thirds of the whole body were allowed to be elected, one-third still remaining in the nomination of the Crown. The proposal of the hon. Member was to alter altogether that constitution, and to have one legislative council, excluding all members nominated by the Crown. An alteration of that nature would be a very extensive one, and one to which he was not prepared to assent.

MR. MOWATT said, that in that case he would move the Amendment of which he had given notice, namely, the omission of such part of Clause 2 as leaves to Her Majesty the nomination of one-third part of the number of the members of the legislative council. He admitted that the alteration he proposed was an important one, but its only effect would be to leave the legislative assembly free to declare whether in their opinion it was desirable or otherwise that there should be in it an official person or persons nominated by the Crown. He believed the colonists were at present indifferent whether there should be a single or double chamber. But he was of the opinion of the hon. and learned Member for Sheffield, that that House should consider, not only what the colony might desire at the present time, but,

guided by the experience of the Imperial Legislature, should consider what constitution was likely to work best for them at all times; therefore he did not think that they should be bound by the expression of public opinion at that moment in New South Wales. However strange it might appear, he thought that the introduction of a body of Frenchmen would be less prejudicial to the healthy working of the constitution than a body of nominated members amounting to one-third. For these reasons, he moved that the Crown should not have the power of nominating one-third of the members.

Amendment proposed, page 3, line 12, to leave out from the words "Governors and Council" to the end of the clause.

MR. LABOUCHERE considered the proposal of the hon. Member as altogether at variance with the principle of the Bill before the Committee. The object of the Bill was not to make new constitutions for the colonies, but to take those constitutions to which they had reason to believe the people of the colonies were attached, and enable them to build upon those foundations such improvements as time and experience might suggest to them. The opinion which had been expressed by the colonists was not against any particular form of constitution, but against any plan being sent out to them by this country different from that which they then enjoyed, without their having had the opportunity of expressing their opinion upon its merits. He did not feel called upon to argue upon this stage of the Bill whether the proposed constitution was a good one or the reverse, or whether the power of nomination should or should not continue in the Crown. He was satisfied, from the inquiries and investigations which he had been able to make upon the subject, that the safest course for the Committee to follow would be to confirm the powers which the colonists already possessed, and give to them fresh powers to make such alterations hereafter as they might deem advisable. He altogether objected to the Legislature of this country taking it upon itself to decide questions which the colonists were better able to decide for themselves.

MR. V. SMITH said, that the right hon. Gentleman assumed that all these colonies had constitutions. That was not so. There were only two of them which had constitutions, and those had existed for only seven years. The right hon. Gentleman said that the Government took

the institutions in the colonies as they found them, and that they were going to do nothing new. But were they not giving them a federal assembly? Was that nothing new in the colonies? On the contrary, this was one of the most extraordinary, most exciting, and largest novelties proposed to that House for a long time. Let not the House, therefore, be carried away by the notion that this was an adhesion to the old colonial system. But he rose for the purpose of saying that it would be better, before they discussed the proposition of the hon. Member for Falmouth, to decide the question raised by the Motion of the hon. Member for Midhurst, whether there should be one or two chambers. When the latter question was decided, they would be in a better position to consider what the composition of the chamber should be.

MR. MOWATT said, that he had no objection to postpone his Amendment, in order to allow of the main question being first decided, if he could bring it forward when that question was disposed of.

MR. BERNAL informed the hon. Member that it would not be competent for him, if he postponed his Amendment, to bring it forward at a subsequent stage.

MR. J. E. DENISON thought that if the Motion of the hon. Member for Falmouth was now discussed and decided, it would also go far to decide the question whether there should be a single or a double chamber, because if there were no power of nomination left in the hands of the Crown, it would then be necessary, for the purpose of constitutional government, that a second chamber should be called into existence; they were now discussing a Bill which gave four constitutions to four different colonies, all of which were differently circumstanced. For instance, the colony of New South Wales, from possessing more experience in public business, might be prepared for more advanced constitutional forms than Victoria or South Australia; and, therefore, it might be desirable to adopt a different rule with regard to colonies which were, for the first time, to be raised to a constitutional rank, and those which already possessed constitutions. He thought that the lesser colonies should follow in the wake of the larger ones.

MR. AGLIONBY thought, that if the Committee carried upon a division that there should be Crown nominees in the one chamber, it would most materially affect

the decision of the question respecting the double chamber, as many of those who would be best fitted to sit in the second would be absorbed in the first chamber, and it would be doubtful whether a sufficient number would be left to form a second chamber.

SIR J. PAKINGTON suggested, that as the hon. Member for Falmouth would not have the opportunity of again bringing forward his Amendment in Committee, if he then postponed it, the better course would be to proceed at once to a decision upon the point raised by his Amendment.

MR. ADDERLEY thought, that the proposition of the hon. Member for Falmouth had been most unfairly met by the right hon. Gentleman the President of the Board of Trade, who represented it to be against the principle of the Bill, whereas it was quite in accordance with it. As he understood the right hon. Gentleman, the Legislative Council was to be a constituent body, and, therefore, ought not to have nominees amongst its members. If then the colony was to be appealed to in order to form their own constitution, he should certainly vote with the hon. Member for Falmouth, considering that there ought to be no nominees, but reserving to himself the right to vote for the Amendment of the hon. and learned Member for Midhurst afterwards.

MR. LABOUCHERE considered that Her Majesty's Government, in bestowing the form of constitution which it did, gave it with the understanding that the colonists had the power of altering their institutions whenever they thought fit. His (Mr. Labouchere's) opinion, regarding the number of chambers, was, that a constitution could work better with two chambers than with one. But then much, he might say all, depended on the circumstances of the colony; such as the state of society, the advanced position of the population, and the means at hand for the composition of a second chamber. His object in rising was to protest against the interpretation put on the intentions of Her Majesty's Government, which were the very opposite of those interpretations; because, while conferring on the colonies these institutions—which they had reason to believe would be hailed as being of great importance—they at the same time thought it right to concede the power to the colonists of altering these institutions whenever they should think fit.

MR. BAILLIE thought it a very strange

proceeding that they should commence a discussion on a Bill by debating the competence of the chambers, before they decided, in the first instance, whether there should be two chambers or only one. There would be abundant opportunity of debating the principle of the Amendment of the hon. Member for Falmouth; and therefore he (Mr. Baillie) thought the House ought to allow the hon. Gentleman for the present to withdraw it.

LORD J. RUSSELL was understood to say that if the hon. Gentleman the Member for Falmouth was determined on moving his Amendment in Committee, the present was the time; as, were it withdrawn now, he could not again introduce it in Committee.

MR. MOWATT should have much preferred that the question of a single or double chamber had taken precedence of his own Amendment, as also whether both chambers or only one, as the case might be, should be entirely elective. He believed the question of double or single chamber was of less importance than the elective question. The noble Lord at the head of Her Majesty's Government, in bringing in the Bill, as much as declared the unfitness of the parties in the colonies to form a legislative body; and therefore he thought to remedy that unfitness by the appointment of Crown nominees. No he (Mr. Mowatt) viewed the measure in the light of a plan by which the colonists might, on the arrival of the Bill amongst them, assemble a body of their citizens, and from them select the fittest representatives; but at the same time, their influence would be more or less neutralised by the power of appointment retained by the Crown. His object was, that the colonists should have a full opportunity of expressing their free opinion; and if one-third of the Members of Council were nominated by the Crown, he contended the expression of opinion emanating from such a body could not be called the opinion of the colonists.

MR. GLADSTONE said, it appeared to him to be the desire and the object of Government that the Amendment should be brought under the consideration of the House, and that the hon. Gentleman who had just resumed his seat brought in his Motion then, not because he conceived it the best opportunity, but because he was afraid that no fair opportunity would be allowed him at a future stage, were he to postpone the Motion at present. If such was the case, and if the Government were disposed

to act in such a manner, he supposed they should, in accordance with the forms of the House, decline making any strong appeals, but take the question as they met it. The course which he was about to take would be this—he was prepared to vote for the Amendment of the hon. Gentleman the Member for Falmouth. It was his opinion that, though a constitution formed of one chamber would be a very indifferent one, yet, at all hazards, he was disposed to vote with the hon. Gentleman rather than adopt the constitution which the Bill of Her Majesty's Ministers propounded. The first object to be gained was a double chamber, because it was certain to right itself as to the details, if not right at the outset. The second object was that both chambers should be based on the elective principle—and the third object with him was, that Her Majesty should be empowered to retain the right of conferring honours and rewards, to a limited extent, on the most distinguished colonists. Whilst that was his object and purpose, yet he would not for the sake of it do anything that might impede that which he conceived to be the more important object—namely, the establishment of a double chamber, and next providing that these chambers should be regarded as sources of political power, composed of those who possessed a right in the society to which they belonged, and were returned on the elective principle. They should, in his opinion, first decide the number of chambers; yet, as the composition of the single chamber was the question then before them, he should say he was prepared to vote with the hon. Gentleman for the exclusion of Crown nominees. Whether the present was or was not the time to enter into questions of detail, he was not going to say. But he should say he was satisfied with the statement of the intention of hon. Members, and would reserve his own views on the question until they should come to the matter of principle, whether there should be one or two chambers.

LORD J. RUSSELL said, the right hon. Gentleman seemed to suppose that the Government were able to decide the course which the hon. Gentleman should adopt, and in what manner the vote of that House should be taken. He begged to say that that was entirely decided by the forms of that House. It was quite impossible for them to do otherwise than the forms of the House directed, and if they had wished to alter the forms of the House,

the Chairman would have told them they were not able to make that alteration. The fact was, that the mode in which the Amendment was given notice of had decided the question of priority. If the hon. and learned Member for Midhurst had chosen to bring forward, in an early part of this Bill, his Amendment, it would have been competent for him to have done so.—[Mr. WALPOLE intimated that he had been informed by Mr. Speaker that he could not have done it in the same form.] But, if the hon. Gentleman the Member for Falmouth wished to amend the clause when they had gone through the clause, the opportunity of amending it was gone. The right hon. Gentleman the Member for the University of Oxford had clearly informed them that he intended to vote for the hon. Gentleman's Motion, but the reasons he gave had entirely escaped him (Lord J. Russell). It appeared there were four different propositions before the House. The first was the proposition of the Government to have nominees or official members. Finding that constitution in existence, they had made it the basis of this Bill. The second proposition was that of the hon Gentleman the Member for Falmouth, to have only one council, and to have that legislative council entirely of elected members. He (Lord J. Russell) considered the Amendment as a great departure from the present constitution, and that an entirely elective chamber was not likely to work well. The third proposition was to have two chambers, one of them being appointed by the Crown. The fourth proposition was to have two chambers, and both elective. There were four distinct propositions, and those who voted with the hon. Gentleman must vote on the ground of having only one legislative council, without any person being nominated by the Crown.

SIR W. MOLESWORTH should say he was in favour of legislation by a double chamber, because the principle appeared better than legislation by single chamber for new communities, both chambers to be based on the elective principle. If they were to have only one chamber, he preferred it should be wholly elective to one-third being nominated by the Colonial Office. If the noble Lord at the head of Her Majesty's Government intended to form a convention, and give the inhabitants of New South Wales a power of determining the constitution, he confessed he would have no hesitation in voting with the noble Lord. But the noble Lord proposed



to start them with a bad constitution; and therefore he (Sir W. Molesworth) supported the Amendment of the hon. Member for Falmouth, because he proposed a better constitution than the noble Lord. However, the Amendment of that hon. Gentleman did not preclude him from introducing the subject of the second chamber, and also deciding whether one or both should not be wholly elective. For his own part, he thought there should be two chambers; but confining himself for the present to the question before them, he should say it was his intention to support the Amendment of the hon. Member for Falmouth.

MR. COBDEN thought, if he understood the noble Lord aright, that the colonies, after all, should have the power of deciding their form of government. But the right hon. Gentleman the President of the Board of Trade assumed what he (Mr. Cobden) did not at all admit—namely, that the colonists preferred having a portion of their rulers nominated by Government, a portion of one-third nominated by the Crown. He could not imagine how any person could assume that a body of Englishmen, resident at the Antipodes, would prefer being legislated for by nominees, to being legislated for by their own representatives. What he was anxious for was, that they should legislate at present in such a manner as to prevent the necessity of the Bill coming back to them in a more obnoxious form, and perhaps at a time when they would not have a voice to pronounce a free opinion on the matter. Had the right hon. Gentleman the President of the Board of Trade considered the effect that the intelligence of their giving a constitution to the Cape of Good Hope free of nominees would have on their Australian colonists? Could it be doubted that the Australians would argue in this way—“The Cape colonists have got a freer constitution than we have received, because they put themselves in a menacing attitude, in an attitude of almost open rebellion, and therefore the Government have given them a better constitution.” He thought it was desirable they should not give the Australians grounds for such an argument. He apprehended the Australians were competent to legislate for themselves, as competent as were the hon. Members sitting in that House; yet it was proposed to give them one-third nominees, who would have a control over the public purse. He thought if they sent the Government mea-

sure in its present form to Australia, there was certain to be an agitation got up out of doors to oblige the assemblage to alter the constitution; because he denied that Englishmen would in any case prefer nominees to their own representatives.

MR. SEYMER did not think the Government system, as at present constructed, could work well. He believed the democratic principle would prevail after, it may be, a lengthened and painful struggle over the system of Government nominees. Also thinking that there should be a double chamber, and that both should be elective, he was prepared to vote for the Amendment of the hon. Member for Falmouth.

SIR R. PEEL, in voting upon this question, would exclude all contingencies that might arise on a future occasion with reference to the constitution of another House. He should consider this clause simply on its own merits, namely, that he was to assume there should be one legislative assembly, and to provide the mode in which that assembly should be constituted. If there was to be a democratic body without any external check, it did not necessarily follow there should be another council, either elective or nominated; but to effect that he had to alter the constitution that at present existed in New South Wales, without, as he understood, provoking any discontent or dissatisfaction on the part of the people. He had, indeed, a single assembly there; but the democratic principle in it was qualified by a certain power of nomination on the part of the Crown. That might be a bad way of qualifying the democratic power, but it was the only way that existed at present, and he had, therefore, to inform the inhabitants of New South Wales, who had expressed no dissatisfaction with the way of qualifying the democratic principle, that without consulting them he had altered their constitution—that he had been content to forego that degree of check he at present possessed, and to form a constitution on pure, unqualified, unmitigated, democratic principles—and that he applied that to New South Wales, and to the colony of Victoria also. If he was to assume that there was to be but one body, he could not say he was prepared to say he was so very liberal as to part with the qualified check which he at present possessed, and which he understood gave no dissatisfaction to the people.

MR. F. SCOTT would vote with the hon. Member for Falmouth, for he was

not so innocent as to believe with the right hon. Baronet the Member for Tamworth that nothing would be done in future, because he could not banish from his view the various Amendments on the paper. One reason for his voting with the hon. Member for Falmouth was, that by excluding nominees from the legislature, the noble Lord would be compelled to decide in favour of a double chamber. He did not wish to infuse a democratic spirit into the legislature, but to increase the chances of constitutional government in the colony.

MR. AGLIONBY believed that it was the sincere wish of the Government to give the colonists the power of choosing their own form of constitution; but with a certain number of nominees in the legislature they would not have the opportunity of deciding on it themselves. It had been stated that the inhabitants of New South Wales were satisfied with their present constitution; but he denied it. They only deprecated having forced upon them a worse constitution than they had already got, and they had declared that they were anxious to enjoy a form of government founded, as nearly as circumstances would permit, on the principles of the British constitution.

MR. HAWES entreated the House to consider the nature of the Amendment. First, let him state that the Bill introduced nothing new into the constitution of New South Wales. He would go a step farther, and say, not only did the colonists intimate in an authoritative manner, through resolutions, despatches, and petitions, adopted at public meetings, their satisfaction with the constitution as it stood, but their warm desire that no alterations should be made in it without their assent being previously obtained. Now, what they were called upon to do, was to make an important alteration in that constitution without their consent. The entire Bill was based in a desire to give satisfaction and content to the colonies. He altogether should dissent from the statement of the hon. Member for the West Riding, that they assumed the colonists were content with nominee legislators, as the Bill before the House conferred on them the power of altering their constitution as they thought fit. He denied it was in the power of the nominees of the Crown to control the council of New South Wales. The number composing that council was thirty-six, twelve being nominees, and twenty-four elected representatives. If the Crown and the Minister were disposed to change the

constitution, he did not see how, under such circumstances, they could effect that change. But the Crown had declared, and Parliament was then about to affirm that declaration, that they were anxious the colonies should possess that form of constitution best suited, in their belief, to their wants and feelings. Let the House, therefore, understand that by the present vote, if rescinded in favour of the Amendment, they would be acting in contravention of the wish of the colonists, who desired the constitution should not be altered without their consent. He would not go into the merits of the question of a single or double chamber; but he entreated the House, if they wished to act in conformity with the wish of the colonists, they would not alter without consent the existing constitution.

LORD J. MANNERS said, no person could be more opposed to the single chamber—however constructed—than he was. They were told by the right hon. Member for Tamworth that the Crown should have some check, by nominees, on the democratic principle. However, he (Lord J. Manners) objected strongly to the representative system, whether in single or double chamber, where that representative system was checked by Crown nominees. The last accounts from Sydney stated that Mr. Lowe, a member of the legislative council, had given notice of a resolution declaring that no enactment which the House of Commons might pass, relative to the constitution of that colony, would give satisfaction unless it should contain a provision similar to that contained in the Amendment of the hon. Member. The *Sydney Herald*, too, a not unimportant organ of public opinion in the colony, had declared in favour of a second chamber. It was not correct, then, to say that the inhabitants of New South Wales were satisfied with the existing constitution.

MR. W. P. WOOD thought the question was one of such great importance that every Member might be excused for explaining his opinion, notwithstanding the impatience of the House. The House was about to take a step in proceeding with this measure which would affect the future happiness or misery of that part of the empire which he trusted would be long a flourishing State. The hon. Member for Roxburghshire was perfectly right in the observations which he made when he said that, in point of fact, they were then deciding upon the question of the two chambers. If they decided for the Amendment

of the hon. Member for Falmouth, they would be obliged afterwards to vote for two chambers, as it was admitted on all sides that some check must be established. It was proposed that there should be no check whatever in this single chamber, and if they adopted any strong impulse, however objectionable, it must be carried into effect, because no Government could long resist it, therefore the check must be in the second chamber. He confessed that after an attentive perusal of the correspondence and other papers on the table, he had some difficulty in coming to a conclusion as to whether the people of New South Wales had made up their minds on this subject according to the various modes in which it might be presented to them. As it was, it was only presented to them in a light which was calculated to be offensive to them. It had been in the power of the meetings held in Australia to take into consideration the question of the two chambers; but he found no traces of such a suggestion having been considered. This Bill, if sent out, gave a constitution which would allow them to decide for themselves by a legislative assembly, with whose powers and observances they were acquainted. It appeared to be something presumptuous on our part to say that we had decided that they should have two chambers, and that they should be legislated for by a body very different from that which now represented them, and in which they had confidence. In theory he thought the existing system objectionable, but he wished to leave it to the people of Australia themselves to decide on the matter. If the House decided that there should be two chambers, they would then have to determine whether they would give the full democratic element in each; but on this point also, he thought it should be left to the colonists themselves to decide. If the people of New South Wales were anxious for the preservation of the present form of government, he should be unwilling to oppose them. On these grounds he felt called upon to vote against the Amendment of the hon. Member for Falmouth.

MR. S. ADAIR said, he should have voted for the Amendment had he not discovered from the papers that the nominees were not entirely subservient to the Crown. On the 16th of May last an address to Sir Charles Fitzroy was moved, in relation to a proposition which had been transmitted to that governor from the Colonial Office

at home. In that address it was proposed to express the strong sense which the Assembly entertained of the indignity to which the people of the colony had been subjected. There were on that occasion eleven divisions. The aggregate number of votes was 137. Twenty-eight votes were given by the nominees of the Crown, nineteen of which were in favour of an address, which was clearly obnoxious to the Crown. Under these circumstances, he could not vote for the Amendment.

MR. MANGLES wished to ask the Chairman whether it was not competent for the Committee to postpone the consideration of this subject, as they had done the preamble? It appeared to him to be most absurd that the Committee should be thus trammelled by the forms of the House.

The CHAIRMAN replied that he never recollected any instance of the kind.

MR. BASS, feeling, as he did deeply interested in the colonies in New South Wales, had felt it to be his duty to make some inquiries from gentlemen connected with these colonies, and who were now in this country, as to the feeling of the colonists on this question. He was most unwilling to vote against the Motion of the hon. Member for Falmouth; but he should do so, as he found the general feeling of the colony was in favour of maintaining the Legislative Assembly as it now existed.

MR. MOWATT conceived that those Members who were in favour of a second chamber must vote for his Motion, as it was only one step towards the attainment of that object. The right hon. Baronet the Member for Tamworth seemed to be alarmed at the increase which the adoption of this proposition would give to the democratic element; but surely the right hon. Gentleman did not rely upon the nominees in the council being an efficient aristocratic check.

Question put—

“That the words ‘and such number of the members of the Legislative Council of each of the said Colonies respectively as is equal to,’ stand part of the Clause.”

The Committee divided :—Ayes 165; Noes 77 : Majority 88.

MR. WALPOLE then rose to move the following Amendment :—

“And be it enacted, that there shall be within each of the said colonies of New South Wales and Victoria a Legislative Council and Representative Assembly. If that Amendment should be carried, to move the insertion of other clauses, whereby it

will be provided that the first Legislative Council shall be composed of members resident in the colonies, to be appointed by the Crown, under its sign manual, for twice the period which is fixed for the duration of the Representative Assembly, and that at the end of such period, or in case any vacancies shall occur in the mean time, the Legislative Councils shall be composed of members resident in the colonies, to be appointed by the Crown, in a similar manner, but to hold their seats for the term of their lives. To these clauses will be added a proviso, that not more than one-third of the members of such Councils shall ever be allowed to hold any place or office of emolument under the Crown within the said Colonies."

The object of his Motion was, in substance, to substitute for the second clause of the Bill a short clause of which he had given notice, by means of which he should take the sense of the Committee on the question whether there should or should not be two houses of legislature in the Australian colonies; or, to state the question in another form, whether they were to act on the principles which had hitherto guided them with reference to the governments granted to colonies, or whether they should adopt a different form of government, having, in his opinion, nothing to recommend it except its novelty. A more important question could not be brought under the consideration of the Committee. For whatever measure might then be adopted, it would not refer to the Australian colonies alone, but it would be a type or precedent for future legislation with respect to others. The question, therefore, amounted to this—whether there should be established in the Australian colonies a form of constitution differing from that which was now possessed by the mother country from which they had emanated. It was very important that they should clearly understand the exact principles upon which they were to proceed. He thought those principles ought to be these. First of all, in giving a government to any people, they ought to adhere as much as possible to the habits and usages to which that people was accustomed, and they should depart as little as circumstances would admit from the form and character of that kind of government which time and experience had proved to be the best. Secondly, on grounds of public policy as well as on grounds of abstract justice, the Legislature ought to secure to the colonist, so far as it could be done by prudent legislation, all the rights and all the privileges which he had previously possessed in the land of his birth. The third principle which

he would lay down was this, that when they were giving a constitutional government to any colony, they ought to form it on a permanent basis, that it might accommodate itself gradually to the growing wants of the inhabitants, without incurring the perils and hazard which always attended any material change in the constitution of a State. Those were the principles on which, as a nation, we had hitherto acted, and these were the principles which, so far as he could understand their reasoning, the Government were disposed to carry out, though unfortunately they had not embodied them in the present Bill. Down to the commencement of the present century we had invariably acted on the principle of giving to our colonies a constitution similar or analogous to that we possessed ourselves; in other words, of reproducing, if he might so express it, in the different colonies a miniature model of the British constitution. To this there were only four exceptions, if indeed they could be called exceptions, by the exceptions which were referred to in a paper laid on the table by the Committee of Council on Trade and Plantations—Gibraltar, Malta, Newfoundland, and Sierra Leone. One saw at a glance, however, that Gibraltar and Malta were no exceptions in fact, for they were military stations, and governed of necessity by military laws. Like the old colonies of the Roman empire, they must rather be described in the language of the great statesman of antiquity—*Propugnacula populi et speculæ Imperii Anglicani*. Newfoundland also was no exception, for, until recently, it had been treated almost entirely as a fishing station. Sierra Leone, too, being in the hands of an incorporated company, could scarcely be regarded as an exception to the rule which had hitherto prevailed. It might, therefore, be assumed that down to the commencement of the present century it had been the invariable practice with regard to the colonies to endeavour to reproduce in them a miniature model of the British constitution. Since that period this country had acquired seventeen new colonies: three across the Atlantic—Trinidad, St. Lucia, and British Guiana; three in Africa, including the Cape of Good Hope; four eastward of the Cape—the Mauritius, Ceylon, Hong Kong, and Labuan; three in New Holland, which were, more or less, the subject of the present Bill; one in Van Diemen's Land, one in New Zealand, and one at the Falkland Islands. Now, let it



be observed that there was not one of those colonies in which the legislature had not been framed on the model previously adopted in this country. The internal regulations of all these colonies had placed them under a governor sent out from England, an executive council, appointed by the Crown, and a representative assembly elected by the people; to this there was only one exception, the exception being that of New South Wales in 1842. There was then introduced for the first time in the history of this country the strange anomaly which the Government were trying to perpetuate by this present Bill—the anomaly of a Legislative Council composed in part of elective members, and in part of nominees of the Crown. They were not only going to perpetuate this anomaly in New South Wales, but they were going to introduce it into the other colonies which constituted Australia. He was perfectly convinced that such an assembly could never work well for any length of time. For its first introduction there may have been wise and prudential reasons. He believed that it might be introduced with great wisdom and propriety, to enable a colony to pass through a transition state, from a complete dependence on an executive council to the full enjoyment of representative freedom. As a temporary measure he was not disposed to disapprove of it. The question now was whether they were to make it a permanent measure. Taking it as a permanent measure, he was perfectly certain that a single assembly, of which one-third was nominated by the Crown, could never hold long together for any practical purpose of legislation. One of these consequences would follow: under ordinary circumstances, when everything ran smooth, it was perfectly clear that the nominees of the Crown would exercise by their number so great an influence over the assembly as almost, if not completely, to stifle the free expression of opinion. If times of difficulty arose, when undue excitement existed in the colonies, he should be glad to know how these nominees of the Crown would dare to resist the pressure from without? Therefore it would be found that when they wanted a check for hasty legislation, they would be unable to find it. And when they wanted a counterpoise for any demand which ought not to be granted, that counterpoise would not be forthcoming. All arguments were against such an institution, and he thought that all experience was equally apposed to it. He

would presently advert to the experience they had of it in New South Wales, but in the meantime he could not help reminding the Government of the way in which a similar constitution had worked, granted by one of the greatest philosophers that ever lived in this country, Mr. Locke. What was the fate of the two Carolinas? A similar anomaly had been established there, and after the brief existence of 23 years, it ended in disappointment, anarchy, and civil confusion. The inference was obvious. And if he referred to the historians of the United States of America, he found it drawn with this just observation—that what had happened offered to mankind the instructive lesson to be content with the principles handed down to them by their fathers, and to be cautious how they removed ancient foundations in the eagerness to adopt the speculations of theorists. He did not think that that observation was altogether inapplicable, and he hoped he need not say to the noble Lord—

“———— Mutato nomine, de te Fabula narratur.”

He now thought that he had established the propositions that it was the principle of this country always to give to their colonies similar forms of government to that which they possessed and prized themselves. He was sure this principle had been recognised by the noble Lord and every Member of the Government who was conversant with the subject. And he believed that all would agree with him that such a principle was not the one on which the Bill before the House was founded. In a paper laid before the House, the Committee of Privy Council for Trade and Plantations stated as follows:—

“We think it desirable that the political institutions of the British colonies should be brought into the nearest possible analogy to the constitution of the united kingdom. We also think it wise to adhere as close as possible to our ancient maxims of government on this subject, and to the precedents in which those maxims have been embodied. The experience of centuries has ascertained the value and the practical efficiency of that system of colonial policy to which these maxims and precedents afford their sanction. In the absence of some very clear and urgent reason for breaking up the ancient uniformity of design in the government of the colonial dependencies of the Crown, it would seem unwise to depart from that uniformity.”

Therefore, unless the Government had strong and urgent reasons for departing from this principle, they themselves admitted that they should steadfastly adhere to it. But this was not all. The same

Committee furnished another paper, dated the 30th January in the present year, which contained their own advice offered to Her Majesty :—

“ Should Your Majesty be pleased to adopt our advice by sanctioning the creation of a general legislature in the whole colony, in which its inhabitants should be represented, the next question to be determined would be, should that legislature consist of a single deliberative body, on the principle of the Legislative Council of New South Wales, which, with the governor, should exercise the powers of legislation, or whether it be better that the old colonial system should be adopted, of a legislature of three estates, consisting of a governor, a legislative council, and a representative assembly ? We have no hesitation in giving it as our opinion that the latter should be preferred.”

The noble Lord at the head of the Government would, no doubt, say that there were reasons for their not doing so. [Lord J. RUSSELL : Yes.] To these reasons he would presently advert. In the meantime, he begged to observe that in making this proposition, he did not do so from any hostility to the Government, but because he maintained so strong an opinion on the matter, that he could not refrain from bringing it forward. Now, it was perfectly true that, though these were the opinions laid down by the Government with reference to the Cape of Good Hope and the South Australian colonies, yet they endeavoured to find reason in both these cases for departing from the rule which they otherwise thought they ought to have adopted. But he must say that nothing had astonished him so much as the extraordinary manner in which the Government had misunderstood and misrepresented the facts of the case as they were then put. He would first take the Cape of Good Hope, which was the subject of the last report, before he would go to the colonies which were more immediately the subject of this Bill. In the last report the Government had found their reason for departing from the principle which they otherwise approved of, and a very singular reason it was. Their reason was, that the chief justice of the Cape of Good Hope recommended the infusion of the popular element into the legislative council; and they thought it so advantageous and so applicable that they could not resist the force of his views. It was almost marvellous how they should have stated in that paper that the opinion of the chief justice was to bind them against the rule, when the chief justice himself had recommended the establish-

ment of two assemblies, with the infusion, no doubt, of the popular element into the upper house, reserving to the Crown the power of nominating one half of its members. Moreover, it should be remembered that Mr. Montague, the secretary, Mr. Rivers, the treasurer, the attorney general, and the two puisne judges, had, every one of them, told the Government that they ought to have two assemblies at the Cape, and that the members of the upper one should be nominated by the Crown, and sit for life. With regard to the Australian colonies, the Government had found another reason for departing from their own principle. What was that reason ? It was this : they said, that custom had attached the colonies to the present form of government, and they did not desire any material alteration in that respect. They also added that it was not wise to establish a different form of government in different parts of Australia, seeing that those colonies must form one group, in which they ought to have something like uniformity. Now, on this part of the subject, he would bring into the court as witnesses against the Government, the Government itself, and first he would produce the evidence of Earl Grey who was at the head of the Colonial Department. The Legislative Assembly in Australia was established in 1842, and on the 31st July, 1847, Earl Grey sent this despatch to Sir Charles Fitzroy. After stating that the Government contemplated some changes which they intended to introduce into New South Wales, he says—

“ You are aware that in the older British colonies the legislature, as in New South Wales, is generally composed partly of nominees of the Crown, and partly of the representatives of the people ; but there is this important difference between the two systems, that in one case the legislature is divided into two separate houses and chambers, in the other the representatives of the people and the nominees of the Crown form a single body under the title of the Legislative Council. It does not appear to me that the practical working of this last system would by any means justify the conclusion that it is an improvement upon that which it was formerly the practice to adopt ; on the contrary, I see many reasons for belief that the more ancient system by which every new law was submitted to the separate consideration of two distinct houses, and required their joint consent for its enactment, was the best calculated to ensure judicious and prudent legislation.”

What did Sir Charles Fitzroy say in answer to that letter ? Sir Charles Fitzroy, in his answer dated the 6th of January, 1848, said—

"The recurrence to the old form of colonial constitution by the division of the legislature into two separate chambers, will not, I apprehend, be ill received, at all events by those persons in the colony who understand the subject, and will give it fair consideration. I can have no hesitation in stating my own opinion, founded upon long practical experience, that it will be a decided improvement upon the present form of legislation in this colony."

There was the evidence of that gentleman upon the subject. But did he change his mind? The subsequent despatch, dated August 11, 1848, would answer that question:—

"It only remains for me to add my own opinion, which is, I believe, confirmed, and that of the most experienced and unprejudiced persons who have watched the workings of the present constitution of the colony, that the assimilation of the constitution of the colony to that of the older British colony, where distinct legislative bodies exist, would be generally considered to be extremely advantageous to its interests," &c.

Nor was that all? Here was the despatch of Sir William Denison, from Van Diemen's Land:—

"March 10, 1849.

"Without wishing or presuming to give an opinion on the general question of the real form of legislative body, I may say that, under the peculiar circumstances of these colonies, I should most strenuously recommend the adoption of a second or upper chamber. . . . The members of this, call it senate, or what you may, will be raised in some measure above the general level of society; they will be rendered independent of popular blame or approbation; but being also free from the suspicion of acting under the control of the Government, they will conciliate popular feeling, and hold a fair position between the Executive and the Legislature."

Here then they had the evidence of Earl Grey, of Sir Charles Fitzroy, and of the Lieutenant Governor Sir William Denison, all concurring in saying that a prudent system of legislation would be best introduced by having two houses of legislation, and the Government were of opinion that it would be extremely advantageous. This question was submitted to the Legislative Council of New South Wales, and they decided in favour of the proposition, that the assembly should be divided into two houses, though in other respects it was clear that the colonists did not require any material alteration in the constitution of these colonies. [Mr. HAWES: Without their consent.] Yes, certainly. Without their consent. But then it must be remembered when consent was talked of, the whole of those papers referred to a state of things different from that which they were now discussing; and any arguments which they might attempt to derive from these state-

ments, or any inference which they might endeavour to draw from them, would be totally inapplicable to the question before them. Earl Grey had intended to alter entirely the constitution of the colonies in New South Wales, and to establish municipalities and district corporations, which should send representatives to the legislative assembly. The colonists objected to that proposition because it would destroy the whole notion of a legislative government, and because the persons sent to the House of Assembly would never be brought into contact with the electors. But if they looked at the petitions which had been placed on the table of the House on this subject, they would find that they all proceeded on the assumption that they claimed as a right all the benefits of the English form of government, and, in point of fact, they expressly stated their desire to have the British form of government as nearly as they could. Arriving, then, at that point, he could not help coming to the conclusion that the reasons assigned by the Government for departing from the principle on which up to this time they had always acted, were futile and insufficient. But that conclusion compelled him to consider, since the plan as proposed was not a wise one, what other form of government should be established in its stead. In his opinion, their course was plain. He thought, that when they substituted any other form of government different from that which had been introduced in New South Wales, they ought to fall back on the older principles to which he had referred. They ought to give the colonists the same institutions as those which they lived under when they left the mother country, and the institutions so given to them should be placed at once on a permanent basis. If they did this, if experience and not experiment were to guide them, he could not help arriving at this result, that they should now revert to the ancient practice; that is to say, they should grant to the colonies, as nearly as possible, their own form of government. They ought to combine, so far as they could, the conservative caution of the House of Lords with the vigorous activity of the House of Commons, and they would thereby afford some kind of check to hasty legislation, and some means of combating the proverbial fluctuations of the popular will. They ought to bring the constitution of the colonies into the closest harmony with that constitution which had worked so well in the parent State. They ought

to guarantee and secure to the colonists the same advantages in the land of their adoption as those which they enjoyed in the land of their birth. They ought to convince them, that though the chain which connected them with this country might be lengthened by distance, it was not broken by mistaken legislation. They should not give them bad forms of government with the hope that they would change them to something better. In short, they should follow out, with regard to their modern colonies, the same principle as that which they pursued with regard to their older ones; there were different modes for doing this. The hon. and learned Member for Sheffield suggested that both chambers should be elected; but there were grave objections to such a proposal, because if the chambers were founded on the same basis, they could hardly serve as checks on each other. The hon. Member for Southwark, who had taken a great interest in this subject, had proposed, by the Amendment which he would lay on the table of the House, that the colonies should be divided into senatorial districts, and that from them the members of the upper house should be chosen; that these members should have higher qualifications, and should be men of higher standing than those who were elected for the lower assembly. In the proposition, there was much to recommend it. But if the principles which he (Mr. Walpole) endeavoured to advance were sound, he did not think that it was as good a one as that which he proposed. Believing, however, the hon. Baronet's proposition to be so much better than the Bill which was brought in, and thinking it so essential to have a check on hasty legislation, he would support that Amendment in preference to assenting to the present Bill, particularly if there were engrafted in it the suggestion of the right hon. Member for the University of Oxford, that the Crown should have the power of rewarding virtue and merit, by the nomination of a portion of the members of the council. Nevertheless, under all the circumstances, he must say, he preferred the Amendment which he himself should substitute, instead of the hon. Baronet's measure. He preferred it, because it was consistent with their former practices, and with their own form of government, and he could not help thinking that he ought to succeed even with the consent of the Government in carrying it—they themselves had main-

tained the same principles which they emphatically said ought not to be departed from, unless for very urgent and convincing reasons, and he was sure that in this case no such reasons had as yet been adduced. He rested his case on two grounds: first, on the right of the colonists to demand from them the same institutions in the country to which they emigrated, as those which they enjoyed in the country which they had left; secondly, because there was nothing which would strengthen their connexion with the colonies so much as by giving them an identity of laws, of habits, and institutions. There was one observation which fell from the noble Lord the First Minister of the Crown, at the commencement of this Session, in his admirable development of colonial policy, which ought to induce him to adopt these conclusions as strenuously as he did. The noble Lord adverted to an unpatriotic opinion expressed more loudly beyond these walls, opinions abroad, but only in a whisper in that House, that their colonies, instead of being a benefit to the country, were a burden and incumbrance. A more erroneous impression could not get abroad, and he was happy to find that the noble Lord expressed his determination to maintain and preserve the dominions of the Crown unbroken and entire. In that determination no one would give him more strenuous support than he (Mr. Walpole), remembering, as he did, the expression of M. Talleyrand, that if the enemies of England could deprive her of her colonies, they would break down her last wall and fill up her last dyke. Nothing would induce him to part with one of them from a beggarly feeling of paltry economy. He believed that in a pecuniary as well as in a political point of view, our colonial possessions were of immense advantage to us as outlets for their population, as one of the main sources of their trade and wealth, as a principal mainstay of their strength and power. In proportion, however, to the depth of his conviction on this part of the subject—in proportion as he was persuaded that there were numberless advantages constantly flowing from them to us, and from us to them—in proportion as he was convinced that we could not separate without weakening the stability and unity of the empire, in the same proportion he was also convinced that we ought to give them the same institutions which had made and would keep us great and prosperous. If we refused to do this, we could not expect the same results.



As outlets for our population they would not be so beneficial, for the better kind of colonists would not go out to them, or having gone out they would not remain there, unless they could enjoy the same advantages, and realise still the same expectations as those which they might enjoy and realise at home. As sources of our wealth, also, they would not be so advantageous; for though he admitted that our trade and commerce owed much to British skill and enterprise, he believed that it owed still more to the mixed form of government under which we lived—that happy combination of freedom and order, of preservation and progress, of allegiance and authority which gave to property an infallible security, and guaranteed to industry a never-failing reward. And if he regarded them as one of the chief mainstays of our strength and power, he was firmly persuaded that they would gradually fall away, from the want of coherence, unless we bound them to us by the generous ties of a common patriotism—unless we built them up and constructed them, as it were, upon the broad platform of a common liberty, deriving its strength from common institutions under which, as a people, we might unite for ever. He said “as a people,” for he thought we should consider our fellow-subjects in every part of the world as forming a portion of one great family who were, or ought to be, joined together by that alone which could constitute a people agreeing in laws and community of interests. *Populus enim, non omnis cætus hominum quoque modo congregatus, sed cætus multitudinis juris consensu atque utilitatis communione sociatus.* If we gave them the *juris consensum*, the *utilitatis communio* would be sure to follow. Therefore he would grant to them, freely and frankly, as nearly at least as circumstances would admit, the same institutions which we had ourselves, believing that wherever those institutions were extended, there it would be found that liberty and law, morality and religion, would always flourish. And thus, by extending the dominion and resources of this great empire for our own advantage—the empire of its freedom, the empire of its power, the empire of its commerce—we might also promote in no mean degree, by the force of the example we should set to others, by the goodness of the principles we might be able to communicate, the moral advantage, the social well-being, and the intellectual improvement of every

nation with whom we might come in contact. He felt that he owed some apology to the House for bringing forward a subject so great and so difficult as this was; but believing, as he did, that a great opportunity was now given of uniting the colonies more strongly to us than ever, by identifying their interests with those of this country, and by admitting them to institutions like our own, he could not refrain from submitting these observations to the better judgment of others; and having done so, he had only to express his thanks to the House for the kind indulgence with which they had heard him.

MR. HAWES complimented the hon. and learned Member upon the tone and character of his speech; and, before commenting upon it, would ask the House to bear with him whilst he explained the grounds and the circumstances which had induced the Government to propose the Bill as it stood. He should endeavour to show, in the course of this explanation, that, if they had departed from recommending those institutions which were time-honoured and universally respected in this country, it was upon no light grounds that they had done so. Her Majesty's Government believed that they were consulting the feelings and wishes of the colonists, and that they acted upon the broad principle which had ever been a distinguishing feature of the liberal party and of enlightened policy, of endeavouring to frame our institutions and conduct our government so as to obtain the consent and approbation of the people at large. The hon. and learned Gentleman had alluded to the despatch of his noble Friend Earl Grey, dated January, 1847. It was that despatch which first opened, in our Australian colonies, questions of the greatest moment with regard to their constitution and future government; and the hon. and learned Gentleman was perfectly correct in saying that the subsequent discussions upon these subjects were originated by that despatch, and preceded any knowledge of the Bill now before the House. He (Mr. Hawes) was perfectly willing to make this concession, but without in the least relinquishing any part of the force attaching to the petitions and resolutions of the colonists, which were the basis and groundwork of the present Bill. The hon. and learned Gentleman had also referred to the report of the Committee of Council, and he had truly observed that the members of that body had

stated, strongly, their impressions in favour of a double chamber; but the hon. and learned Gentleman omitted to refer, of course not intentionally, to a very important statement in the report immediately following the paragraph he had read, which assigned the reasons for departing from that general rule. He (Mr. Hawes) would refer the House to the passage in question. The Committee of Council said they had reason to believe the colonists generally were satisfied and contented with their constitution as it existed; and there had been no official intimation whatever, nor was he aware of any popular intimation independently of official channels, showing the people of New South Wales to be discontented with their form of government, which the House were aware consisted of a single legislative chamber, a governor, and executive council. The Committee of Council therefore said—

“Of this fact the most conclusive proof is to be found in the number of petitions recently presented to Her Majesty and the Houses of Parliament from large bodies of the colonists, praying that no change may be made in the constitution without the consent of the inhabitants.”

The force of this passage consisted in the fact of the colonists requiring that if any change were made in the form of government, it should be made only with their consent. It by no means intimated that they were bound by the form of government now proposed or retained; on the contrary, they could alter, change, and amend it, by the Bill as they should think most fit, and most in accordance with their own feelings. Was not this opinion of the Committee of Council founded upon facts? Was it not borne out by resolutions and petitions from public meetings in the colonies? Was there not, in fact, a unanimity of opinion prevailing in the colony about which there could be no doubt? Whatever alterations they might desire—whatever their content or discontent with their present constitution, they were all agreed, that before any material alteration was made none should be made without their consent being first obtained. A very important despatch from Sir Charles Fitzroy had frequently been referred to, transmitting petitions to this effect. He would not trouble the House with reading these petitions. All he asked was that they would allow him to read their prayer, and that they would bear them in mind during the observations he should have the honour to make. One petition from

Sydney prayed Her Majesty to be graciously pleased “not to assent to any change in the constitution of their government which should not have received the sanction of the colony.” This petition was signed by 3,100 persons of great respectability—

MR. F. SCOTT: What is the date of that petition?

MR. HAWES: February 2, 1848.

MR. F. SCOTT: Had the petitioners the Bill before them at that time?

MR. HAWES admitted they had not, and had already admitted it; but though it might have been agreed upon in ignorance of the Bill, nevertheless whatever alterations might be proposed, the petitioners were all agreed in desiring that none should be made without the consent of the colony. There was also a petition to the same effect from Port Phillip. This petition objected to the constitution proposed by Earl Grey, as disturbing the form of government with which they were contented, and as altering their rights as British subjects. He referred to this petition because it afforded an indication that, with certain exceptions, they were content with the existing form of government. Another petition to the same effect from Windsor, New South Wales, and the inhabitants of Picton, prayed that all alterations in their laws and government might be “left in the hands of the Legislative Council as at present established.” Then there was a memorial from certain inhabitants of the district of Port Phillip, forwarded in the Governor’s despatch of September 23, 1848, which prayed that—

“no pressure of public business may prevent your Lordship from taking steps to procure the separation of the district of Port Phillip from the colony of New South Wales, with a local representative council, which it was the object of the Bill to grant.”

He would also refer the House to a resolution agreed to after a discussion in the Legislative Assembly of New South Wales, upon the subject of two chambers. No proposition occurred in the course of that debate, so far as he was aware, indicating any desire to have an elective legislative council. He was far from meaning to say that such a desire might not exist; but the simple fact was, that in that discussion, which raised the whole subject, no question was made, or put on the minutes, recording a desire for an elective chamber. The resolution was expressed in strong terms, as follows:—

"That although the council has deemed it a duty to give its opinion upon the several propositions contained in the despatch of the right hon. the Secretary of State for the Colonies, it cannot forbear from expressing its strong sense of the indignity with which the people of this colony are treated by the announcement that a measure so seriously influencing their destiny for good or for evil, will be introduced into Parliament without affording them an opportunity of previously expressing their sentiments upon it."

Such were the opinions of the colonists of New South Wales; from which the House would see that their desire was that whatever change was proposed in their constitution it should be made with their consent, or not made without their previous assent. He was not, however, without further support of weight and importance to the measure now under consideration. The noble Lord at the head of the Government presented on Wednesday a petition signed by a great majority of the leading mercantile firms in this country trading with that colony, as well as by other parties temporarily resident here who had been members of the Legislative Council, and who, therefore, might be supposed to speak the sentiments of their fellow-colonists. And what did he find in that petition?—

"That petitioners believe that the said Bill is mainly founded on a report addressed to Her Majesty the Queen by the Lords of the Committee of Council for Trade and Plantations, of date the 4th day of April in last year, which report was approved by Her Majesty in Council on the 1st day of May in last year. That the said report having reached all the four colonies of New South Wales, Victoria, Van Diemen's Land, and South Australia, in September of last year, appears to have been received with a high degree of satisfaction by the people of each colony, as indicating a policy on the part of the mother country towards the colonies pre-eminently calculated to preserve the lasting attachment of the colonies to the Crown and Parliament of these realms."

If he had not in a formal shape testimony so strong as this in favour of the Bill from the colonists themselves, the distance from the mother country at once explained the reason; but if he might infer the opinions of the colonists from the unanimous testimony of the press—for he had received newspapers from every colony to which the Bill applied—the Bill had given a degree of satisfaction which had not attached to any other measure proceeding from the Colonial Department since he had had the honour of holding office. One and all, the newspapers urged the Government to carry the Bill forward. They approved of all its main details and leading principles; and

on such evidence he was bound to say that, although in some particular provisions it might require to be modified, its main details and leading principles had met with general approval and consent. He had, in addition, some negative testimony to its merits, in two petitions that had recently been presented to the House. One was in a petition from certain persons in South Australia, praying that the clause relative to the disposal of waste lands might undergo revision and alteration; and the other was from Northampton, having reference to that part of the measure which made provision for public worship, the objections to the measure being confined alone to these provisions of the Bill. He might further refer to what had passed at a public meeting held in the colony, in consequence of Earl Grey's despatch. From the proceedings of that meeting, he inferred that those who engaged in it would not have spoken of the existing constitution as they had if they had not felt they had the concurrence of their fellow-colonists. One speaker said the constitution as it existed at present had worked well, and he had no fault to find with it. Another speaker, Mr. Wentworth, said, "there might be some difference of opinion as to the formation of another house, but there was no absorbing interest in the question." And a resolution agreed to at the meeting confirming the prayer of the petitions he had already referred to, namely—

"That the colonists are entitled to expect that no important alteration in the constitution which they enjoy shall be made without their previous consent."

He would now refer to the part Earl Grey had taken when he had thus ascertained the feelings and wishes of the colonies. In his despatch of the 31st July, 1848, in consequence of the opposition manifested to the constitution then proposed, and in reply to Sir Charles Fitzroy's despatch transmitting these proceedings, Earl Grey says—

"I regret the delay which has occurred (although from causes independent of Her Majesty's Government) in carrying into effect this necessary and urgently required measure; but the time lost will not be regretted if the consequence of that delay should be the framing of a measure more complete in all its parts, and more in accordance with the now ascertained views of the Australian community, than could have been the case if legislation had been attempted during the present Session."

In consequence of the opinions prevailing in the colony, Earl Grey came, wisely as he (Mr. Hawes) thought, to the conclusion

that it was not his duty to force upon the colonies institutions they did not solicit. He thought it wise not to force upon them a form of government fitted for England undoubtedly, and superior to any hitherto devised for at once maintaining order and securing popular liberty, but for which they were not prepared. And here he would observe that if we wished institutions to take root, and be permanently respected, it was not by forcing them upon a free people, that this object could be accomplished. They must rather be allowed to spring out of the wants, necessities, feelings, and opinions of the community. The hon. and learned Gentleman the Member for Midhurst had referred to the opinions of the Governors of New South Wales and of Van Diemen's Land, upon the question of a second chamber. He (Mr. Hawes) admitted that the opinion of the Governor of Van Diemen's Land was favourable to two chambers; but he also said, speaking in concurrence with his executive council—

"We think the form of government that is to be upheld in New South Wales should be extended to Van Diemen's Land, inasmuch as colonies so closely connected should have the same form of government."

But this question was not to be considered now for the first time. Long ago, in 1842, the subject had been brought under the consideration of Her Majesty's Government by Sir Richard Bourke. It had been considered by Sir George Gipps, Mr. Charles Buller, and Mr. M'Arthur, and all concurred in opinion that the present constitution, a single legislative chamber, was best adapted to the condition and wants of the colony; a single chamber, then, had the sanction of able and experienced men—men intimately acquainted with the interests and feelings of the colonists. The hon. and learned Gentleman said we had all along conferred upon our colonies institutions akin to our own—something representing King, Lords, and Commons; but he was mistaken in this respect. The early American charters contained no such form of government. According to the early American charters, the form of government consisted of a governor, assistants, and assembly, sitting in one chamber. He believed, then, that if we allowed our fellow subjects in the colonies fairly to consider the subject, and left them to carry out their own feelings and opinions, institutions would gradually spring up among them, as among all free people, more likely to be permanent than the best

we could confer upon them here. He relied upon the perfect liberty the colonies would have to form and mould their own constitution, as a far better security for the permanence and utility of such institutions as they might create, than any the most perfect we could devise and establish, if establish them we could, by Act of Parliament. The Bill, then, professed to make no alteration in the constitution of New South Wales, and it proposed that the same form of government should be extended to the other colonies. There was much advantage in this. When the question of the separation of the district of Port Phillip was under the cognisance of the Legislative Council of New South Wales, the Governor, in the course of the examination of the witnesses, asked some of the colonists of Port Phillip what form of government they expected when they were severed from New South Wales? Mr. Robinson, a member of the Legislative Council, replied, "The government which New South Wales enjoys." He (Mr. Hawes) admitted he should not have been able to answer the hon. and learned Gentleman unless the Bill contained, as it did, provisions for every colony, to alter and amend their constitution from time to time as they thought fit. He did not wish to conclude without saying a word as to the value he attached to our colonial possessions. It was the fashion to say they were expensive, and that they were a source of weakness. He agreed with the hon. and learned Gentleman, that if we lost them we should lose a source of wealth and power which nothing that this Parliament or people could do would be able to restore; and if we parted with them there were not wanting other Powers ready to avail themselves of what we should heedlessly cast away. But he was sure that England would never consent to separate herself from those splendid possessions, and that wise and prudent measures would yet bind them indissolubly to this country. He had now endeavoured to show the grounds upon which the Bill rested. It rested upon the opinion formally expressed, in the colonies, that no change should be made in the form of government to which two out of the four colonies had expressed their attachment, without their consent; and as regards the other colonies, closely connected together as they all were, upon practical experience and its fitness for such communities. It was proposed in the belief that they would accept it as a boon,



well adapted to their present circumstances, and containing in itself powers of amendment and expansion. A contrary policy, one which involved the forcing a constitution upon them, might be dangerous; for, suppose they should say, "We decline your measure," in what position would Parliament be found? Why, in that of forcing a constitution upon them, which would only enlist opposition. For these reasons he hoped the House would act in conformity with the known wishes of the colonies as expressed in their petitions and at their public meetings. Such a course was most likely to attach them to the Crown of England, and reconcile them to our authority. The conviction that the Parliament of England, having an undoubted right to impose any form of institution it pleased, had waived its powers, in respect to their feelings and wishes, would be found to have great influence. They would see that we respected their feelings and opinions, and we might hence safely calculate upon their respecting in return the authority of the Crown and Parliament, and thus strengthen the connexion between the mother country and the most distant of her colonies.

MR. AGLIONBY said, that he was most anxious to give a second chamber; but yet he dared not vote with the hon. and learned Member for Midhurst, because his proposition was one that he did not deem to be at that moment expedient to adopt. He desired not to force his opinions upon others. He could not ask them to act upon that opinion, until they felt that what was given to them was a good thing, and one that they would be ready to maintain under all circumstances. Having the opinion of the colonists themselves, that they did not desire a second chamber, he dare not be a party to impose one upon them. At the same time he was anxious to place within their reach the means of acquiring such a constitution as they might think best adapted to their circumstances. If they were dissatisfied with the present council, they could elect another, and that council would have uncontrolled power to adopt such a form of constitution as they might think fit. Could this House judge for the colonists as well as they could judge for themselves? He believed not. He quite concurred that two chambers were desirable, but, as at present advised, he should vote for leaving the question to the discretion of those for whose benefit the measure under consideration was intended.

MR. HUME said, that on the last division he voted with the minority, because he wished to give to the colonists the option of deciding what form of constitution they should have, and whether there should be one or two chambers. He objected to official nominees being placed on the council, for, if there were but one-third of the whole number devoted to the governor and his measures, he had only to bribe and allure four or five of the elected members to command a majority. Hence it was desirable to have the council entirely elective, that it might be a true exponent of the opinions of the colonists as to whether they would prefer one or two chambers. With regard to the proposition of the hon. and learned Member for Midhurst, he should say that one more inapplicable to the real condition of the colonies he had never heard. The hon. and learned Gentleman proposed to introduce into the Australian colonies institutions similar to those which now existed in this country, without considering whether or not they were adapted to the circumstances of the colonists. If he understood him right, he would institute a House of Lords with a bench of bishops, and he (Mr. Hume) was surprised to hear the hon. Gentleman say that we had acted wisely and well in trying to establish those institutions elsewhere. What was the fact? Why, that there had never been any peace in the colonies where they existed until they had been abolished. And with the knowledge of this fact, he was not disposed to scatter still wider the seeds of discord and disaffection by adopting the proposition of the hon. and learned Gentleman. He was decidedly in favour of a second chamber or senate, as a deliberative assembly, exercising a check upon the proceedings of the other house. He could not vote with the hon. and learned Member, however, because he thought the hon. and learned Gentleman was wrong in what he would force upon the colony. He looked upon the present measure as alike wise and liberal. It was the only way in which England could preserve her colonies. If we persisted in the mad and improper proceedings of the last five or six years, not a colony would be left us in a very short period; and on that ground he regarded the measure as a wise and politic one, that would secure to us the allegiance of the colonies, and all the advantages which could be derived from their possession. He was not one of those who would willingly part with the colonies,

but he did wish to make them useful appendages to us in a commercial point of view, whilst they afforded an outlet for our population.

MR. A. B. HOPE would support the Motion of his hon. and learned Friend the Member for Midhurst, because it carried out a principle which had long been deeply implanted in his mind—he meant the necessity of giving to our colonies English habits, English feelings, English manners, English government, and, above all, he would say, though he knew it was in the face of the prevailing feeling of the day, English monarchy. Of course, in advocating a colonial peerage, he was not foolish enough to suppose that there were yet in Australia, or in any of our other colonies, the materials to form such a peerage as would be anything but suggestive of ridicule. He knew that the prestige of wealth and hereditary descent was the very last thing that could grow up in any new colony whatever; but while he felt the importance of avoiding any immature and hasty plan for establishing a monarchical system in our colonies, he was yet of opinion that we ought to lay the foundation for it in all of them. He was aware that climate had great effect upon character—he knew the hardening and roughening effect of a northern, and the enervating effect of a tropical climate; but in Australia and New Zealand, where the climate was as temperate and the habits of life the same as our own, he knew no reason why our Anglo-Saxon institutions should not thrive as well there as in the old country. It was clear then that the question was reduced to this dilemma—either that the old English constitution was a fallacy—which he did not admit—or that in a colony like Australia, founded by Englishmen and with an English climate to dwell in, it must be the fault of our Legislature if they did not enjoy English institutions. In what shape these institutions should be introduced—whether, for instance, there ought to be titles of honour given—he did not mean the highest titles of nobility, but whether there should not be baronetcies with the right of sitting in the upper chamber—he would not then stop to inquire; but he thought it was as clear as daylight, that if we were to retain the monarchical system ourselves, and at the same time preserve our colonies, we must give them far more of monarchical prestige than we had hitherto given them—that we must let them taste of its sweets

as well as its bitters—and, as a first step to that, he would support the Motion of his hon. and learned Friend.

MR. F. SCOTT said, he could scarcely understand from the speech of the hon. Member for Montrose whether he intended to support the Amendment of the hon. and learned Member for Midhurst or not. The hon. Member stated that he was in favour of a second chamber; and yet he appeared to have come to the conclusion that he would vote against a Motion which provided that there should be in each of the colonies of New South Wales and Victoria a legislative council and a representative assembly. Now he (Mr. Scott) could not understand how, after stating that he was in favour of two chambers, the hon. Member could come to the conclusion of not voting for the proposition contained in the Amendment. The argument adduced by the Under Secretary for the Colonies himself would go against any legislation at all upon this subject at the present time. He said the House ought not to enter into a discussion upon the subject without having the express consent of the colonists themselves. That had been the opinion repeatedly expressed in this House, and upon that ground he (Mr. Scott) maintained that Her Majesty's Government were not at liberty to introduce the present Bill. They had not yet had the expressed consent of the colonists, and they knew it. The colonies of Australia differed in their circumstances and condition from one another to such an extent that it was impossible to legislate for them all alike. The only Australian colony he knew of which had a chamber constituted one-third of nominees and the remainder of elective members, sitting in one house, was that of New South Wales. The proposal contained in the Bill was sent out to that colony last year; and yet they had received no expression of feeling from New South Wales upon the subject. He was sorry that the question which had been introduced and argued so ably by his hon. and learned Friend upon a broad and extended basis, had been treated in so narrow a spirit by the hon. Under Secretary for the Colonies. It would not be his (Mr. Scott's) fault, therefore, if, in replying to the arguments of the hon. Gentleman, he confined himself to observations which might otherwise have been utterly unworthy the attention of the House. When he found it brought forward upon authority, and stated boldly, he might say with an

audacity which surpassed boldness, that the colonists had expressed an opinion upon the subject, he was obliged to confine his remarks to a refutation of the hon. Gentleman's statements. The hon. Gentleman had adduced the opinion of the Governor, of the Legislative Council, and of a public meeting held in New South Wales; and he had also read extracts from petitions which had emanated from various parts of New South Wales. But they had no opinion whatever from any of the other Australian colonies. And even that from New South Wales was an opinion not adverse to a double chamber, and therefore quite inapplicable to the question before the Committee. He did not believe that it was generally known what were the points upon which the colonists had expressed their opinions. The despatch of Earl Grey, dated the 31st of July, 1847, proposed to curtail the existing elective franchise of the colony of New South Wales, and to erect councils in different parts of the colony, to be called district councils—constituting as it were electoral colleges—the people of the various districts being the constituents of these electoral colleges, which colleges were then to elect the members of the legislative council. Thus the colonists would have been curtailed of the elective franchise, and, to a certain extent, deprived of their liberties; and it was in opposition to this measure that the colonists had expressed the opinions which the hon. Under Secretary had quoted to-night, as applicable to the question now under consideration. It was the hon. Gentleman who had forced upon him (Mr. Scott) the necessity of referring to the statements contained in the different petitions which had been received from the colony. First and foremost amongst those petitions was one which he (Mr. Scott) had presented to the House in the year 1848, and which was signed by upwards of 3,000 persons, after having been agreed to at the largest public meeting ever held in Sydney. Well, what did the petitioners say? They said that the change in the constitution of the colony, proposed in the despatch of Earl Grey, would have the effect of depriving them of the elective franchise, which they maintained to be their inalienable right as British subjects, and that they could not but be persuaded that by delegating their right to elect representatives they were deprived not only of the choice of election, but of that constitutional control over their legislature,

without which no people could be considered free. How did they then proceed?—

“We are anxious to enjoy a form of government founded as nearly as circumstances will admit upon the principle of the British constitution; and to make this colony a subject of a theoretical experiment in legislation is a measure the justice or policy of which we cannot admit.”

The petition of the inhabitants of the electoral district of Singleton stated that the change propounded by Earl Grey would deprive them of the dearly-cherished birthright of Britons, the power of electing their own representatives, and thus give to them a bill of pains and penalties without the pretence of their having merited it. They prayed Her Majesty, therefore, not to assent to any alteration of the elective franchise, or to any measure which would diminish the rights they now enjoyed; but they wished to extend the representative system, to lower the franchise, to enlarge their liberties, and to approximate in constitutional freedom still nearer to that of the mother country. The third petition which the hon. Under Secretary had alluded to, was that from Port Phillip, which naturally sought to be erected into an independent colony. The petitioners stated, that the constitution proposed by Earl Grey was universally disapproved of, and condemned as being quite unsuited to them, as experimental, as disturbing a form of government with which in most particulars they were content, and as altering and abridging their rights and privileges. The district of Windsor was next brought forward in evidence by the hon. Gentleman; but they said that the proposed changes were uncalled-for and unexampled; that they would deprive the colonies of the elective franchise; and that they were desirous of enjoying a constitution as nearly as might be like that of the united kingdom. The Picton petitioners stated that the form of representation proposed was totally at variance with all their ideas of liberty, and utterly repugnant to them; and they, too, desired that their constitution should be as like as possible to that of the united kingdom. The petition from Maitland was of similar purport; and the Governor of the colony, in his despatch enclosing these petitions, expressed his own opinion, and that of the most experienced and unprejudiced persons, to be in favour of assimilating the constitution of the colony to the constitution of Great Britain, and that such a measure would prove most satisfactory. Then, with re-

gard to the strong and decisive opinion given by the able Governor of Van Diemen's Land, he stated that, "under the peculiar circumstances of the colony, he should most strenuously recommend the adoption of a second, or an upper chamber." That was said, not of the colony of New South Wales, with its population of 220,000, but of Van Diemen's Land, which had a much smaller population, and where the necessity for an upper chamber could not be said to exist to the same extent. The only ground on which he had heard a double chamber opposed was the supposed unwillingness of the colonists to accept such an arrangement; and it was certainly a remarkable fact, that the opposition to the proposal was based upon an argument totally irrespective of its intrinsic merits. The opinions formerly expressed by Members of Her Majesty's Government did not bear them out in their present policy. On the 10th of August, 1848, Earl Grey delivered a speech, in the course of which he declared that it was a very great error to suppose that the Australian colonies had been formed by merely one class of society—that of labourers—and that so far from that being the case that there were to be found in those colonies retired officers of the Army and Navy, gentlemen who had taken high honours at the universities, and many other persons of education and great intelligence. From that language one might naturally conclude that the noble Earl must have thought that there existed in that country the elements of a second chamber. It was said that those colonies were not ripe for the creation of such a chamber; but that was no reason, surely, why means should not be taken to provide for its future growth, and for endeavouring to render the mother country, as far as possible, a type of her distant offspring. The experience of all times, and of all nations, showed that the best mode of attaching colonies to a mother country was to give them institutions similar to those which she herself enjoyed. But that was not the policy which Her Majesty's Ministers seemed disposed to adopt in dealing with our Australian colonies. In this country the constitution was territorial; in Australia they were determined, in opposition to the wishes of the colonists, to prevent those who held land from being the owners in fee of the soil. Before he concluded, he should frankly confess that he believed the Bill to be, in many respects, a good one; but, as he also

thought that the adoption of the Amendment then before the Committee would be attended with the most beneficial results, he was prepared to give to it his cordial support.

MR. LABOUCHERE: Sir, I promise the Committee that I shall not detain them long, but I am unwilling to give a silent vote on the question now before them. I am unwilling to do so in the first instance, on account of my deep sense of the importance of the decision at which we may arrive; and I am also unwilling to do so, because it was part of my duty, as one of the Committee of Privy Council to whom the question of the constitution of Australia was referred, to consider the bearings of this important question, and to form an opinion upon them. I think I may further claim credit for the Government with regard to this measure, that the course which we have taken has been a frank one, and has been marked by good intentions towards those for whom those institutions were preparing, and I strongly feel on a question of this kind the truth of the observation of Burke, "that good intentions, plainly expressed, are of no mean force in the government of human affairs." I confess I do derive the greatest satisfaction from the result of all the intelligence that hitherto has reached us from the Australian colonies—intelligence, in my opinion, not the less important because it is derived in no great degree from official sources, but from newspapers there published, in which it is expressed with so much unanimity that it is impossible to doubt that upon the whole the measure proposed by the Government has been welcomed by the inhabitants of that colony. It is looked upon as a measure designed in a spirit most friendly and kindly towards them, and is in the main a measure that meets their wishes, and will provide for their wants, and which will establish a state of things in the colony to which they look forward with hope and confidence. I derive comfort from that knowledge, which supports me very much from the cavils and attacks which I hear made on this measure. I do not believe those attacks will mar the fair prospect that exists of this House and the Government being able to accomplish that which I deem to be a most arduous and difficult task, namely, to frame a constitution that will give freedom and good government to a population separated from us to the extent nearly of the habitable world, and to establish for them institu-



tions which, while they will preserve the rights of the Crown of England, will at the same time secure to the inhabitants those blessings of free and impartial government which I am the first to acknowledge are the birthright of every Englishman in whatever part of the world he is placed. The question which is more immediately brought under your attention by the hon. and learned Member for Midhurst is, whether we should at once proceed to introduce into the constitution of Australia the system of two chambers, or content ourselves, as we do, by confirming and enlarging the institutions we now find in Australia, leaving to the colonists themselves, through the agency of those institutions, the means of modifying and altering that constitution as to them may seem fit, and of adopting, especially if they think the time is come, that principle of legislation by two chambers, which, I hold as strongly as the hon. and learned Gentleman, is, upon the whole—as has been proved by experience—the best form of government under which free monarchical institutions can be carried on. We may at least claim some credit for having pursued a frank and straightforward line of conduct. We thought it right to advise Her Majesty to refer this matter to the Committee of Privy Council, in which the noble Lord the Secretary for the Colonies—more especially charged with those affairs—might have the advice and assistance of some Members of the Privy Council, whose experience was of great aid to him on this occasion, as also the assistance of other Members of the Government. The Government was thus enabled to state the reasons and arguments on which the measure was founded; and I am rejoiced to find, so far as our information goes, this innovation also has been received in a most favourable manner by the people of Australia. It appears that they have been highly gratified at finding that all those questions, which to them are of such great importance, have received the calm and deliberate consideration of the servants of the Crown, before anything was done with respect to them, and even they themselves called into Council by having the reasons and arguments fairly submitted to them, by which the Government were at least enabled to show that they did not shrink from the closest examination of the motives by which they were actuated, believing as they do that those opinions are sufficiently valid and well-considered to stand the closest

test of scrutiny and investigation. It is true, as the hon. Gentleman has said, that in the report of the Privy Council they did express an abstract opinion in favour of a system of two chambers rather than a single chamber, and in expressing that opinion they only expressed the opinion of every educated Englishman on that subject. But we have also frankly stated in that report the reasons that induced us, under the present circumstances of Australia, not to advise that it should be a compulsory measure, or carried into effect with regard to the inhabitants of that colony. Any Gentleman who has fairly considered the papers laid upon the table of the House must admit that there are great and weighty considerations to induce the House to pause before they say that without any more certainty we shall at once proceed to offer them a constitution so framed, and not give them the alternative of expressing any opinion of their own on the subject. Although I have been surprised at the objection to the course adopted by Her Majesty's Government, I have been most of all surprised when this objection came from the popular benches of the House. I thought whatever objections there might be to the course we have taken, it was obviously our desire to defer to the feelings and wishes of the people of Australia. A great deal of discussion has taken place, and doubts were expressed by the hon. Gentleman, who is the agent for the colony of New South Wales, as to the real feelings of the colony on this point. Gentlemen have said, when the colonists expressed their opinion, they had not the offer of an elective legislative council. They thought the offer meant nothing but a nominee second chamber, and they rejected the offer. I will not delay the House by referring again to the papers on the table; but no fair and candid man can read through those papers without coming to the conclusion that this is a matter of pride—honest and just pride—and feeling on the part of the colonists of Sydney, and that they object, not merely to any particular constitution we send over to them, but they object to being legislated for by the House, or that the House shall alter the existing institutions of the country, with which in the main they express themselves satisfied, without giving them some voice in the alteration. The objection applies as much to the proposal for an elective second chamber as it would do to a nominee second chamber. I ask any man

to consider if it would be a proof of prudence or wisdom to risk a collision with the colony on a subject of this description, or the irritation that may be caused by any mistake we may make, when, from all the information we have received from those colonies, the colonists themselves accept this measure as one meeting their wishes? I do not know that I need, at the present moment, go much into the question raised by the hon. and learned Gentleman the Member for Midhurst, whether (supposing this House to be disposed to think that we ought to insist upon a legislature composed of two chambers) the second chamber should be composed on the principle of nomination, or on the principle of election. A proposal has been made to establish two chambers on the principle of election at the Cape of Good Hope, and by so doing a great change has been made in the colonial policy of the country in that respect; but I am satisfied that if we wish to act upon the real spirit of the British constitution—that if we mean really to obtain a second chamber that shall have any means of resisting the momentary impulse that may carry away a popular assembly—we shall find that much more certainty in a council constituted on the principle of election, and, therefore, that has some hold on public opinion, than in a house composed of nominees of the Crown, or rather, as hon. Gentlemen seem to indicate, a council that contained in it the germ at least of a hereditary aristocracy. With regard to the principle of a hereditary aristocracy, I am one who value and regard it in the constitution. I believe that an ancient aristocracy, such as we possess, is endeared to this country by historical recollections. It holds a great national position in the country, and when it has grown up with all our recollections and institutions, it is a positive advantage. I rejoice that I live in a country that has what I believe to be that advantage, and I express that opinion the more fully and plainly because I am myself a man from the middle ranks of life, and have no pretensions of the kind; but I do hold that to attempt to force an aristocracy upon a community where there exists no natural elements for that aristocracy, is, in the first place, an impossible task, and, next, the attempt would be a very dangerous one. This subject was discussed in this House with transcendent ability, at a time when the question was of great importance, by the greatest men the Parliament

of this country ever possessed—by Pitt and Fox, by Burke and Wilberforce—and the sentiments that I now venture imperfectly to express were enunciated with great force and eloquence by Mr. Fox, who at that time showed an earnest desire to cherish the rising liberties of France. It was on the occasion of the discussion about the Canadas, Mr. Pitt proposed in the Canada Bill the germ of an aristocracy; and I remember that Mr. Wilberforce, in supporting him, said, “Let us plant the acorns, and by-and-by they will grow to oaks.” It was obviously their desire that we should establish the seeds of an aristocracy in Canada, who, though small at first, might end by being the counterpart of the British House of Lords. But Mr. Fox said—

“However valuable the aristocratic principle may be in a country such as England, it will utterly fail if you introduce it into Canada, where the circumstances are so entirely different;”

and the result has proved the wisdom of the prediction.

“Even Mr. Pitt (said he) is afraid to tell the names of his new peers in Canada; he is afraid to do it; the House would laugh at it.”

They must see the truth of the argument of Mr. Fox, for they could not adapt that, which was the growth of ages, to new institutions of that kind. Considering the circumstances that must take place in any new country, you would surely fail in such an experiment, engender bitter feeling, give rise to animosity, and mar the effect of any other measures you might take for their prosperity. I therefore dismiss from my mind any attempts of that kind. I believe they are delusive. If the Australian colonies were to have two chambers, I would wish it should be on the principle of election; but I deny that it would be wise for us to undertake any task of that kind. I ask the Committee to recollect that there is a practical point not unworthy of attention, namely, the delay which must take place if we now attempt to form a second chamber on the principle of election. Can we frame the details of any such measure? Can we settle the qualifications, or many other points that must necessarily arise, if we attempt to frame a constitution founded on the principle of election? Great delay must take place; reference must be had to the colony, and this at a time when it is necessary we should legislate on the subject, in the present Session,

because questions of great practical importance to the well-being of the colonies are postponed until those measures are passed—for example, the separation of the colony of Victoria from the colony of New South Wales, which is urged upon us with great emergency and pressure by the colonists, and which it would be desirable to effect in the present Session. I beg to call attention to one question more which bears upon an important point. I am of opinion that permanently and ultimately it would be better for the people of Australia that they should adopt a system of two chambers instead of one. I hope they will do so; but imperfect institutions to which people are attached, are better for them than far more perfect institutions, which for any reason may be repugnant to their wishes. Therefore, it is more a question for the people of Australia to decide than for us. I doubt whether, in the present state of those colonies, there do exist in all of them the means for the establishment of two chambers with due advantage. I doubt if there would be sufficient persons to occupy places in the two chambers, or that you could find them in sufficient numbers to constitute an assembly and a second chamber at the same time. I am strengthened in that opinion by finding that that was the decided opinion of two of the most distinguished men this country ever sent to the colonies, Sir George Grey and Sir George Gipps. It was their opinion that materials do not exist for two chambers; and men in Australia of the most popular views and principles, and who have no abstract dislike to two chambers, have come to the conclusion that two chambers at present are not advisable, as the best institution for the conduct of the government of those colonies. I was very much struck with a resolution of which notice was given by a very distinguished member of the Assembly at Sidney, Mr. Wentworth. [An Hon. MEMBER: He did not propose it.] He did not propose it, but gave notice of it, and it was to the effect, that the Council was adverse at present to the introduction of the old system of colonial government, containing two chambers, one composed of the nominees of the Crown. ["Hear, hear!"] I understand that cheer. You assume he was opposed to a second chamber composed of nominees of the Crown, but not to an elective chamber; but I beg to call your attention to his reasons: first, because there is not and will not for a considerable period to

come, be any class of sufficient fortune and stability to be raised to the station of hereditary legislators; and, secondly, the second chamber would be composed of nominees of the Crown for a limited period. It is quite true that Mr. Wentworth makes no reference to a second chamber on the elective principle; but if Mr. Wentworth was prepared to say that was the true solution of the difficulty, and that the colony does contain persons to hold seats in the second chamber and the house of assembly, I have no doubt that he would not have excluded that proposal from the resolution he laid before the house. It is impossible for any man to look at the petitions and resolutions that have been adopted, without seeing that their main jealousy is directed not so much to this or that proposition coming from this country, as to any proposition coming from it that will be of a compulsory description, and which will render it impossible for the colonists to express their opinions upon it. We are not legislating for a colony that is groaning under intolerable aggression, or suffering under the pressure of institutions from which they desire to be released. That is not the case. We have the satisfaction of knowing that the institutions of Australia, as they at present exist (particularly as regards the most flourishing colony, Sydney), are free institutions, and all they ask is to enlarge those institutions, and enable them to provide for their wants by such alterations in those institutions as they may deem advisable. That is the prayer of Australia to this House. The answer to that prayer is the Bill upon the table of the House. It meets that prayer precisely, and we have reason to believe that the measure will be received with satisfaction by the people of Australia. All the leading merchants of this city whose interests are connected with Australia, and who have a deep interest in the well-being of the people, have petitioned the House to pass this Bill. And I now ask the House to support the measure of the Government, at least in that important particular which it is sought to overthrow; and my belief is, that the measure which the House has devised in the spirit of goodwill and friendship, will be received in a corresponding spirit by our fellow-subjects in those colonies.

SIR W. MOLESWORTH: I am anxious, Sir, before the Committee comes to a final decision on the Motion of the hon. and learned Member for Midhurst, to make

some observations with regard to the question which we are now discussing. The subject is one of considerable importance, and the Committee will acknowledge that the decisions at which we shall arrive will be not only of great and immediate importance to the colonies concerned, but of great and lasting importance to the whole of the British empire; for we are agreed that our colonies in Australasia, being inhabited by Englishmen, are now entitled to possess the institutions of Englishmen; and we are, therefore, assisting at the birth of the constitutions of the British communities that are destined, in future ages, to cover the southern hemisphere, and there to form nations and mighty empires of the Anglo-Saxon name. Again, we are, no doubt, all agreed that it is the duty of the British Parliament to undertake the difficult task of framing the first constitutions of these colonies; and according as we perform that task well or ill, so shall we either confer lasting benefits, or inflict deep injuries, upon those communities; so shall we either strengthen and make permanent our colonial empire, or weaken and ultimately destroy it. A heavy responsibility hangs over us, and I trust that a deep sense of that responsibility will influence the conduct and votes of hon. Members on this occasion. The question for our consideration is, what would be the best form of government for the Australian colonies. To answer that question, it appears to me that we ought first to inquire what are the institutions which theory and experience have proved to be the best for similar communities of English origin; and having answered that question to the best of our abilities, we ought to give to these colonies those institutions which our deliberate judgment pronounces to have been the best; and, in order to guard against the consequences of errors in judgment, and, in order also that the constitution of a colony may change with its changing circumstances, we ought to empower these colonies to alter and amend the institutions which they will receive from us. To this last position I attach great importance, and the right hon. the President of the Board of Trade assents to that position. I may, therefore, assume that we are all agreed that in a Bill for the better government of the Australian colonies there ought to be some provision empowering the colonies to alter the institutions which, in the first instance, we are to frame for

them. The question at issue is, therefore, what is the best form of government for these colonies to commence with? With what constitution ought we to start them into representative existence? I repeat, with that constitution which theory and experience have proved to be best for similar communities. This position appears to me almost self-evident; but the right hon. Gentleman who last addressed the House seems to contest it, for he proposes to start these colonies with a legislature composed of a single chamber, in which one-third of the members are to be nominated by the Colonial Office, and, in fact, are to hold their seats at the will of the Colonial Office; that is to say, the noble Lord at the head of the Government, the illustrious author of the Reform Bill, proposes to start these colonies with a house of legislature similar to what the House of Commons would be if we were to repeal the Reform Bill, reinstate 110 Gattons and Old Sarums, and place the 220 seats at the disposal of the Minister of the day. Such a constitution is absurd in theory; all experience testifies against it, and I believe every authority condemns it. But the right hon. the President of the Board of Trade has just stated that these colonies will have the power to amend their constitutions; that is to say, he proposes to start them with a bad constitution, on the plea that they will have the power to blunder into a good constitution at some future period. Is this the policy of a statesman? There is an old and true maxim, applicable to the colonies, namely, "rear up a child in the way he should go." That maxim Her Majesty's Government propose by this Bill to reverse. The noble Lord at the head of the Government would rear his colonial children in the way they should not go, and trust to the chapter of accidents for setting them right. In opposition to the single chamber proposed by this clause, the hon. and learned Member for Midhurst has proposed that the legislature of the Australian colonies should consist of two chambers. So far I agree with the hon. and learned Gentleman, and shall vote for his Motion, which, if carried, would only pledge the Committee to the opinion that the legislature to be constituted in the Australian colonies should consist of two chambers, and would not in any way pledge the Committee with regard to the form of the two chambers. The hon. and learned Gentleman intends subsequently to propose that one of the cham-



bers shall be nominated by the Crown. On that point I entirely disagree with him, and intend to move an Amendment that both chambers shall be elective. Now, first, with regard to the general question of two houses as opposed to one house. The hon. and learned Gentleman has shown that, according to theory and experience, a legislature composed of two houses is a better form of government than a legislature composed of a single chamber; and every hon. Member who has spoken on this Bill—the noble Lord at the head of the Government, the right hon. Gentleman the President of the Board of Trade, the Under Secretary for the Colonies—and out of the House, the Governor of New South Wales, the Governor of Van Diemen's Land, the Governor of New Zealand, and the noble Earl the Secretary of State for the Colonies—have all of them acknowledged that a legislature composed of two chambers is the better form of government. For instance, Earl Grey, in his despatch of the 31st of July, 1847, to the Governor of New South Wales, stated that the “practical working of the system of the single and partly-nominated chamber did not by any means justify the conclusion that it was an improvement upon the system of two houses;” and the noble Earl added, that “he saw many reasons for belief that two distinct houses were best calculated to ensure judicious and prudent legislation.” Sir C. Fitzroy, Governor of New South Wales, in his despatch of 6th of January, 1848, said that—

“he could have no hesitation in stating his own opinion, founded upon long practical experience, that two separate chambers would be a decided improvement upon the present form of legislation in that colony.”

And he repeats that opinion in the strongest terms in his despatch of the 11th of August, 1848. The Governor of Van Diemen's Land, in a despatch dated the 15th of August, 1848, “strenuously recommends the adoption of a second or upper chamber.” And the Governor of New Zealand, in a despatch dated the 29th of November, 1848, stated that—

“the reasons which induced him to recommend that a legislature should consist of two chambers were so obvious that he need not trouble the noble Earl with stating them.”

Thus every one who is deemed an authority by the Colonial Office is in favour of two

houses of legislature being established in the Australian colonies. But it is said by the right hon. Gentleman the President of the Board of Trade, that there are special reasons why, in the Australian colonies, the legislature should consist of a single chamber. The special reasons, as far as New South Wales alone is concerned, may be stated in a very few words. It is maintained that the constitution of a colony ought to be framed in accordance with the wishes of its inhabitants. It is asserted that the inhabitants of New South Wales are well satisfied with the present constitution, and prefer it to any other form of government, and that if they should wish to change it, they will be able to gratify their wishes under the provisions of this Bill. Those arguments are clear and distinct; whether they are valid or not, I will presently consider. But supposing for a moment that they are valid, I ask by what process of reasoning is the conclusion arrived at, that Parliament ought to give the constitution of New South Wales to the other four Australian colonies? It may be a fair argument to say, that as Parliament has given a constitution to New South Wales, though in so doing it has committed a great mistake and framed a very bad constitution—yet it ought not to change that constitution without the consent of the inhabitants of the colony. That may be a fair argument, but surely it is an absurd argument, to say that because Parliament has made a mistake with regard to New South Wales, it ought to make four similar mistakes with regard to four other colonies. I repeat, it cannot be wise policy to start a colony with a bad constitution—that is, in a wrong direction—on a plea that it will have the power to blunder hereafter into a right direction. The wise policy would be, to give the colony from the beginning those institutions which reason and experience have proved to be the best, and if, with deliberate folly, the colony should wish to change them for the worse, permission to do so should be granted. It cannot be pleaded that it is of importance that all the Australian colonies should have identically the same institutions, because by this Bill they are to be empowered to change their institutions, and therefore to make them differ if they please: and, lastly, there is not one tittle of evidence to show that either Victoria or Van Diemen's Land, or South Australia, or Western Australia, wishes for the constitution of New South Wales.

I do not deny that these colonies would prefer any form of representative government to no representative government at all—for Victoria is most anxious to be separated from New South Wales; Van Diemen's Land hopes by means of representative institutions to get rid of transportation; South Australia and Western Australia long for some control over their own affairs. And for these reasons I have no doubt they would prefer this Bill to no Bill at all. For that reason I have not opposed this Bill in any of its previous stages, nor shall I oppose it after it has passed through the Committee. But I hope that the Committee will be persuaded to convert this Bill into a measure founded upon sound principles, and calculated to give not a momentary but permanent satisfaction to the colonies. If, however, the Committee think that there are solid reasons for not interfering with the constitution of New South Wales, I trust the Committee will at least start the other Australian colonies with good constitutions. It is affirmed that the inhabitants of New South Wales are well satisfied with their present constitution, and prefer it to any other form of government whatever. This statement has been so often repeated over and over again by the Ministerial press and by the agents of the Colonial Office, that many people have begun to believe in it. I believe it to be altogether a mis-statement of facts, and that it is a great mistake to suppose that there is sufficient evidence to show that the inhabitants of that colony are well satisfied with their present constitution. The papers presented to Parliament only prove that the inhabitants of that colony prefer their present constitution to a much worse one, which the noble Earl the Secretary of State for the Colonies intimated his wish to bestow upon New South Wales. If hon. Members will refer to a despatch from the Secretary of State for the Colonies to the Governor of New South Wales, dated 31st of July, 1847, they will find a statement from the noble Earl to the effect that the failure of the potato crop had for some time prevented Parliament from attending to the affairs of the Australian colonies; that the political institutions of those countries ought to be reconstructed; that the practical working of the constitution of New South Wales was not satisfactory; and that a constitution consisting of two distinct houses was best calculated to ensure judicious and prudent legislation; and then the noble Earl

intimated his wish to make a most extraordinary change in the constitution of New South Wales. He proposed to disfranchise the electors of that colony, and to confer the right of electing members of the legislative council on certain municipalities called district councils. The noble Earl proposed, therefore, to make as great a change in the constitution of that colony as would be made in the constitution of England if all the electors were to be deprived of their votes, and Members of Parliament were to be elected only by the mayors and common council of the boroughs. Such a proposal proved the ignorance of the Colonial Office with regard to human nature generally, and specially with regard to colonial human nature. For, extravagant as such a proposal would be for England, it was still more extravagant for New South Wales; for the inhabitants of that colony entertained a special aversion to those district councils, and had resisted their establishment by every means in their power. Unfortunately, they are the favourite offspring of the present Secretary of State for the Colonies, which nothing will induce him to abandon. They are to be found in this Bill; they were inserted, it is said, at his desire, in the original constitution of New South Wales. When the noble Earl came into office, he was deeply pledged to give a constitution to New Zealand. Immediately he framed for that colony a constitution founded on district councils. He was compelled to suspend that constitution; and, in fact, his own governor has assured him that the principle of indirect representation was all wrong. The noble Earl, however, clung to his misshapen offspring with all the tenacity of a fond parent, and determined to foster it in New South Wales, where the colonists, indignant at the idea of being deprived of their franchises, were still more indignant at the proposal to bestow those franchises upon their hated district councils. Public meetings were held; petitions were addressed to Her Majesty. They are to be found in the blue books. They all speak the same language. They all denounce the constitution of the noble Earl as a crude experiment at variance with the principles of the British constitution, as being absurd and impracticable, as filling them with the utmost apprehension and dismay, as repugnant to their wishes and adverse to their interests. The petitioners state that "they desire to enjoy a constitution as near as may be like to that of the

united kingdom." They complain of the "apathy and indifference of Parliament to their interests; that the Colonial Minister is perfectly uncontrolled, and can fix the sanction of Parliament to any measure he pleases; and therefore they pray Her Majesty not to consent to any measure of the Colonial Office without their previous approval." Thus the intense antipathy of the inhabitants of New South Wales to the fixed idea of the noble Earl, has, with considerable skill, been represented as a feeling of affection for their present constitution. To infer from these data that the colonists of New South Wales are well pleased with their present constitution, is as illogical an inference as it would be to conclude that a man would like to be hung, because he would prefer hanging to being burnt alive, or impaled. These petitions unequivocally prove that the petitioners, like the rest of our colonial fellow-subjects, entertain a profound distrust of the rashness, ignorance, indiscretion, incapacity, and experimentalising propensities of the Colonial Office, and therefore they pray that the Colonial Office may not be permitted to tamper with their institutions without their consent. But I cannot conclude from these petitions that the inhabitants of New South Wales would be dissatisfied if the British Parliament were cordially to agree with all our colonies in distrust of the Colonial Office, and were to show its want of confidence by taking this question out of the hands of that Office, and giving to the colonies institutions which every statesman and every writer of any note belonging to the British name—which the experience of the whole of the British race—has found to be the best for our government; and whatever may be the feelings of New South Wales upon this subject, I am certain that the inhabitants of Van Diemen's Land, Victoria, South Australia, Western Australia, and New Zealand, desire that which every Englishman in foreign lands invariably prays for, namely, institutions as like those of the British constitution as circumstances will admit. But it is said, that if the colonies wish for British institutions, they will be able to get them, because they are to have power to alter and amend their institutions. Now, to whom is this power to be entrusted? It is to be given, according to the right hon. the President of the Board of Trade, to a legislative council, in which one-third of the members will hold their seats at the will of the Colonial Office. What will be the con-

sequence? If the nominated members act together as a body according to the directions of the Colonial Office, it will be very difficult for the elective members to defeat them; for this purpose it will be necessary that more than three-fourths of the elective members should act cordially together. We sometimes complain in this House that the number of official Members connected with the Government exercise an undue influence over our decisions, yet the number of official Members in the House of Commons does not exceed forty, or less than one-fifteenth of our number, and all of them are responsible to constituents, and that responsibility influences their votes. What would be the state of this House if 220 Members, that is, one-third of our number, held their seats at the will of the Government of the day, and were responsible to no constituency? Would it be possible ever to carry any measure against the Government? I should think not. No doubt the difference in the aggregate numbers will make a considerable difference in the working of a similar institution in the colonies. But I think that, nevertheless, it would be very difficult in these colonies to carry any measure against the Colonial Office. Suppose, however, that the elective members should succeed by unanimity or threats in defeating the Colonial Office faction, as it is termed, what would be the consequences? It is notorious that in New South Wales the elected members look down upon the nominated members as the mere tools of the Colonial Office, and as obstacles to good government. Therefore the elective members will, without doubt, propose that there shall be no nominated members in the legislative council. Will they then propose that there shall be a second chamber? I doubt it. They can only propose some form of nominated second chamber, or some form of elective second chamber. They will not propose a nominated second chamber, because they will argue again as they have argued before, that a nominated second chamber would be a greater obstacle to good government than a minority of nominees in a single chamber. For, with a single chamber so constituted, the nominated members could not defeat the wishes of the representatives of the people if they were well agreed together; whilst, on the contrary, with a nominated second chamber, the nominees of the Colonial Office would be able, whenever they might think proper, to reject the measures of the representatives of

the people, however unanimous they might be. Therefore it is certain that they will not propose a nominated second chamber. Will they propose an elective second chamber? I doubt it. For when men have once tasted popular applause, when they have once enjoyed political reputation and power, they are not willing to raise up rivals to themselves, who will possess equal power and perhaps greater reputation. Now what is true of the individual man is generally true of bodies of men as far as passions and feelings are concerned. Therefore I do not believe that the elective members of the legislative council who in contest with the nominated members have been the leaders of the popular party, who have thus enjoyed great political reputation and power, will willingly establish a second chamber, the members of which will possess equal power and equal reputation with themselves, and would check and control their actions. I feel satisfied that if we were to abolish the House of Lords, Parliamentary ambitions and feelings would prevent us from establishing a second elective chamber in this country until much painful experience had convinced us that a single chamber worked ill. Now, if a single chamber would work ill in this country, as I believe it would, I think, for obvious reasons, it would work worse in a colony. But it may be said, that if the inhabitants of a colony are strongly in favour of an elective second chamber, they will compel their representatives to vote for it. I have no doubt they will ultimately do so, as they have done in America, but not till much painful experience has convinced them that a single chamber works ill. From that painful experience I wish to save them by giving them, in the first instance, those institutions which theory and experience have proved to have been the best for similar communities. If the right hon. the President of the Board of Trade be anxious that the constitutions of those colonies should be framed in accordance with the wishes of their inhabitants, he must take measures to ascertain their wishes. For at present we have no positive information on that head, we only know the fact that in New South Wales the inhabitants unhesitatingly condemned the model constitution of the noble Earl, and there is evidence to show that they are averse to nomination, either in a single or double chamber. But the question of a single elective chamber, or of two elective cham-

bers, has never been brought under their consideration. With regard to Victoria, Van Diemen's Land, Western Australia, and South Australia, we have no information whatever, except a few lines of a mutilated despatch from an unpopular governor. Now, the best means of ascertaining the wishes of a community with regard to a form of government, is, according to the American fashion, to summon a convention or constituent assembly, and to leave it to frame a constitution. The convention should be a numerous body, elected by persons possessing a low qualification, so as to be a fair picture of the whole community. It should be so numerous that its members as a body should have no sinister interest in favour of one constitution over another. It should have no other business but constitution making—no other occupation, no taste of political power. This is the manner in which they do these things in America; but before they summon a convention, they do many other things in a very careful manner. From our independent colonies in America we may learn a useful lesson as to the best mode of establishing a good colonial constitution. Bear in mind that there are at the present moment in the United States four and thirty true colonies of Great Britain. One and twenty of these colonies are the offspring of the thirteen old English colonies. The founders of the old colonies carried along with them to the New World the habits, the feelings, and prejudices of Englishmen; they took along with them the common law upon which their jurisprudence is now founded—the principle of the liberty of the subject, upon which their Government is now based; spontaneously, at first without the consent of the Crown or Parliament, representative institutions broke out amongst them, and they copied, as near as circumstances would admit of, the forms of the British constitution. Their Houses of Representatives are the Commons' House of Parliament, and their Senates are the legitimate offspring of the House of Peers. The descendants of those men are now, with deliberate forethought, covering America with British institutions. Let me briefly explain how they do it. When a settlement has been made upon a portion of the previously unoccupied territory of the United States, Congress immediately provides a government for the new territory, consisting of a governor, appointed by congress, and two houses of legislature, both



elected by the inhabitants of the territory. When the population of the territory has reached the amount which would qualify it to become a State of the Union, a convention is elected by the people of the territory. The convention has no other business but that of framing a constitution; and when the constitution has been framed, the territory, with the approval of Congress, becomes a State of the Union. Now, remark, that the convention invariably follows the example set by Congress, and frames a constitution similar to that which the territory had received from Congress. Thus Congress starts the new territory with the constitution which theory and experience have proved to be the best fitted for Anglo-Saxon men; and the people being started in the right path, spontaneously persevere in it, and the consequence is that every one of the thirty-four States or territories of the American Union is now governed by two houses of legislature, both elected by the people. Contrast this prudent and statesmanlike mode of framing a constitution for the government of a new community with the plan of the Colonial Office. The Colonial Office proposes, in the first instance, to turn the Australian colonies adrift with a bad constitution, and then, acknowledging the constitution, to be bad, the Colonial Office proposes to entrust these colonies with a power hastily and rashly to change their constitutions according to the whim or fancy of the moment. I acknowledge that these colonies ought to possess a power to alter and amend their institutions, but they should be required to exercise that power with caution and deliberation. For rash and ill-considered changes in the institutions of a community are evils of great magnitude. In the various States of the American Union, every effort is made to guard against rash and inconsiderate innovation. In these States when a constitution is once established, it becomes a sacred thing. It is the supreme law which the legislature is bound to obey, and cannot either alter or set aside. No portion of the constitution of a State can be changed without the solemn and deliberate consent of the people; and great care is taken to ascertain the deliberate opinion of the people on the subject. For instance, generally speaking, no alteration in the constitution of a State can be taken into consideration without the concurrence of two-thirds of the whole number of members of both houses of legislature; when that concurrence has been obtained, then

the proposed alteration in the constitution must be published in the newspapers of the State for several months, in order that the people may clearly understand and discuss the proposed alteration; then a general election must take place, or a convention must be chosen; and finally the question comes on for decision whether the proposed alteration shall or shall not be made. Thus hasty and inconsiderate innovation under the influence of momentary excitement is impossible; and if there be foolish innovations it must be done with deliberate folly. Contrast this mode of proceeding with the plan of the Colonial Office. A universally condemned constitution to begin with, consisting of a single chamber, partly elected, partly nominated; which will become wholly elective if the elective members can either by unanimity or menaces overcome the resistance of the nominated members; and to this single chamber is to be entrusted a power of changing its constitution, which the most locofoco State in America would not trust to its legislature. Thus the plan of the Colonial Office is a strange mixture of folly and rashness, imprudence and locofocoism, or wild democracy, as some would call it. But it will be said these colonies are not to possess an absolute power of changing their institutions, but only a power subject to the control of the Colonial Office. Now, I ask, do you ever mean to exercise that controlling power? If you do, you will produce the greatest discontent in the colonies. For, having laid down the principle that the constitution of a colony ought to be in accordance with the wishes of its inhabitants, they will expect you to adhere to that principle. Therefore, you will be accused of tyranny and breach of faith if you reject any innovation however ill-judged it may be; and by rejecting it you will only make it more popular, and ultimately you will have to give way with dishonour and discredit to the Imperial Government. Be assured that your true colonial policy is to avoid conflicts with your colonies. Take precautions against rash innovations, but let it be by means of colonial institutions, which the inhabitants will respect, as being calculated for their benefit, and not by means of the arbitrary interference of the Colonial Office, which, however well intentioned, will be regarded as tyranny and hatred, because exercised by strangers living at the Antipodes, and necessarily ignorant and misinformed. I wish to ask a question of the noble Lord the Prime Min-

ister, which I hope he will distinctly answer. I have shown that if this Bill be carried there will be an immediate struggle in the legislative council between the elected and the nominated members. If in this struggle the elective members are victorious, they will propose a single elective chamber. Now, I ask, will the noble Lord consent that they shall have a single elective chamber? This is a question so likely to be brought before him if this Bill passes, that it is his duty to have made up his mind upon it. I ask him, therefore, will he pledge himself to let these colonies have an elective single chamber, if a motion to that effect be carried in their legislatures. There are several hon. Members in this House who are in favour of a single elective chamber. I know that an attempt has been made to persuade some of them that by voting with the Government on this occasion they will have a greater chance of obtaining an elective single chamber. I hope they will not permit themselves to be deceived. They must be aware that they have no chance of carrying an elective single chamber in this House; and I shall believe, unless the noble Lord make a distinct statement to the contrary, that if in the colonies the elected members should overcome the resistance of the non-elective members, the Colonial Office would put its veto on a single elective chamber. Now, I ask those hon. Members whether there be any doubt that two elective chambers are preferable to the single chamber of the Government? If they have no doubt upon the subject, they ought to vote in favour of this Motion; for if it be carried, it is certain that two elective chambers will be carried, for there are very few persons who agree with the hon. and learned Gentleman the Member for Midhurst in the opinion that one chamber ought to be nominated for life. Therefore, I feel satisfied that by carrying this Motion we shall obtain two elective chambers. Now, I beg hon. Gentlemen to observe that I propose that the colonies shall have power to alter their institutions; for instance, even to convert their two chambers into one, if, after full and careful consideration, they wish so to do. To insure careful consideration, I propose that no alteration shall be proposed in the constitution of a colony without the concurrence of two-thirds of the whole number of members of both houses; that then the proposed alteration shall be published in the newspapers of the colony, one year at

least before the bringing in of any bill containing the alteration, and that no such bill shall be passed without the consent, for the second time, of two-thirds of the whole number of members of both houses. Therefore, if the people of a colony should deliberately wish for a single elective chamber, they would be able to obtain it. Therefore, the hon. Gentlemen who earnestly and seriously desire that the colonies should have a single elective chamber, if they wish for it, are bound to vote for this Motion. I will now proceed to show why, in my opinion, both theory and experience prove that a legislature composed of two elective houses is the best form of government for a colony. According to the theory of representative government, the legislature ought to be a copy in miniature of the whole community—that is, every great interest, want, and feeling should be represented in the same proportion in the legislature as they exist in the whole community. Now, in every community there are two great opposite tendencies, namely, the innovating tendency, eager for change; and the conservative tendency, satisfied with things as they are. Both of these tendencies should be duly represented in a legislature; for, if either of them be omitted, the result would be bad government, either in the shape of reckless change, threatening anarchy, or stolid languor, leading to the decay of the body politic. Now, theory and experience prove that the innovating tendency, being active, energetic and enterprising, is apt, if wholly uncontrolled, to acquire an undue preponderance. The problem is, how to control the innovating tendency, without, on the other hand, giving preponderance to the conservative tendency. Can this problem be satisfactorily solved by means of a single chamber? I think not, especially in a colony. For the single chamber must be so constructed as to contain either more of the conservative tendency, or more of the innovating tendency. If it contain more of the conservative tendency, it will be in frequent opposition to the more active, energetic, and enterprising portion of the community, and, consequently, will soon become unpopular. On the other hand, if it contain more of the innovating tendency, then the only controlling power would be the governor, that is, the Colonial Office; and if that controlling power be exercised, then there will be a perpetual conflict between the single chamber and the Imperial Government, which in the long

run must always terminate in the defeat of the Imperial Government. Our true colonial policy is to avoid such conflicts—not to ally ourselves with one tendency, and thereby ensure the overthrow of the other tendency; but so to construct our colonial institutions, that the natural conflict between the conservative and innovating tendencies should be fought in the bosom of those institutions. For this purpose theory and experience have shown that the best institution is a legislature composed of two houses, in one of which there should be more of the conservative tendency, and in the other more of the innovating tendency. The problem to be solved is, how best to secure in the upper house more of the conservative tendency. But in solving this problem special care must be taken that the upper house should be so constituted as to command the confidence and respect of the community. If this condition be not fulfilled, the upper house becomes an obstructive body, productive of nothing but evil. To fulfil this condition it is necessary, first, that the interests of the upper house should appear to be, and be, identical with those of the whole community; and, secondly, that its members should be esteemed as individuals and not despised. Now, it appears to me that the House of Lords in this country, and its legitimate offspring, the Senate of the States of North America, fulfil most of the conditions of good upper chambers. A very short consideration of the manner in which the House of Lords fulfils these conditions, will show that it is impossible to copy the form of that institution in the colonies, and that in attempting to copy its form we are certain to lose its substance. First, the interests of the House of Lords are identical with those of the whole community, because its numerous members are connected by their wealth and landed property with every great interest in the community; neither the agricultural interest, nor the manufacturing interest, nor the commercial interest, nor the mining interest, nor the banking interest, nor any great interest can suffer without some portion of the House of Lords suffering also; and, in fact, no great economical and political question is ever raised in this country which does not immediately find some advocate in the House of Lords; and by the time that a measure is ripe to be carried in the House of Commons, and the people have declared decidedly in its favour, it has made sufficient

progress in the Upper House to induce the good sense of its Members to comply with the wishes of the people; therefore, though the House of Lords is decidedly a conservative body, it is not an obstructive one. Secondly, as individuals, the Members of the House of Lords are respected; in fact, that respect is proverbial—it is founded on tradition and old historical associations. Those traditions and associations have been the slow growth of centuries—they adhere to the institution—they cannot be suddenly created by the act of any legislature. It is idle to attempt to copy the forms of such an institution. It is an insult to it to say that a council nominated at will, or for a term of years, or even for life, by the Colonial Office, without interests permanently identical with those of the community, without any prestige in favour of its members, is a copy of the House of Lords. Such a council is in fact a burlesque on our Upper Chamber; it is looked upon in a colony, not as representing the conservative tendency of society, but as a screen for Colonial Office mismanagement; it becomes useless or obstructive, and its members are both hated and despised. Both theory and experience confirm this statement; and if any hon. Gentleman doubt its accuracy, I can point out to him the means of satisfying himself how a nominated second chamber would and does work in the colonies. Let him take the Peerage and read over the list of barons which have been created during the last thirty years. There are some 110 of them. Then let him fancy the House of Lords abolished, and these 110 barons nominated for life to be members of an upper house. How long would such an institution last? Would it command any respect in the country? Yet those 110 barons are a good sample of the peerage. They are equal in talent and respectability to any 110 hon. Members of this House; and I presume that in making them peers the Government of the day considered them to be the *élite* of the nation, and for their conduct in so doing, the Government was responsible to public opinion. Is it probable that in the colonies the irresponsible Colonial Office would or could select a better class of men? It has been said, on the part of the Colonial Office, and in opposition to a second chamber, that there are no materials in the Australian colonies out of which to constitute a second chamber. This a strange position coming from the Colonial Office, which proposed to establish

a second chamber both in New South Wales and in New Zealand. I believe, however, that position to be perfectly true as far as a nominated second chamber is concerned, and true not only of the Australian colonies, but of all Anglo-Saxon communities; for we have too good an opinion of ourselves to acknowledge readily that any man is sufficiently eminent for talent and ability to be entitled to control the decisions of the representatives of the people. And if we were to abolish the House of Lords, there are, I think, not more than three men in this country whom the decided opinion of the public would place in a nominated upper house. I assent, therefore, to the position that there are no materials in the Australian colonies, or in any other colonies, out of which the irresponsible Colonial Office can fabricate a nominated upper house which shall command the respect and confidence of the people. I maintain, and will show, that it is a gross fallacy thence to infer that there are no materials out of which the people could elect a good upper house. The hon. and learned Gentleman the Member for Midhurst has a longing for an hereditary upper house. Well, I acknowledge that an hereditary upper house, if possible, would be better than a nominated upper house. But how is he to establish an hereditary upper house? All known aristocracies have derived their origin from conquering races, heroes, or demigods; first, the oppressors of the people, then the objects of their worship. In this country the fame of unknown warriors, dimly seen through the mists of centuries, and the renown of some really illustrious houses who have rendered good service to their country—the Russells and the Howards, the Stanleys and the Percies, the Cavendishes and the rest of our *primæ vivorum* have clothed the institution of the House of Lords with a mantle of honour, which gradually enfolds the recently ennobled. When such an institution has been created, it may with caution and prudence be upheld. But how to create it I know not, and cannot imagine. I object, therefore, to a nominated second chamber, because such a chamber cannot command the confidence and respect of the inhabitants of a colony. It will be looked upon as a screen for the Governor, as a tool of the Colonial Office, and not as the lawful representative of the conservative tendency of society; and therefore each conflict between the representative assembly

and the nominated upper house, and consequently every conflict between the innovating and conservative tendencies would appear to be a struggle between the colony and the Imperial Government. For the same reason I object to a single chamber, for if it be partly nominated, then the conflict would take place between the representatives of the people and the nominees of the Colonial Office; if the single chamber be wholly elective, the conflict will take place between the single chamber and the governor appointed by the Colonial Office, and therefore in both cases it will also appear to be a struggle between the colony and the Imperial Government. It cannot be doubted, that in such struggles the Imperial Government must always ultimately be defeated, and that in fact, by allying itself with the conservative tendency, it discredits that tendency, encourages the innovating tendency, and ensures its ultimate victory, and with every victory so gained the Imperial authority is weakened, and a step is made towards the dissolution of the colonial empire. I propose, therefore, that there shall be an elective second chamber, because by being elective, it will command the confidence and respect of the inhabitants of the colonies. I propose that it shall be so constructed that it shall contain more of the conservative than of the innovating tendency of colonial society. With this object in view, I ask, what are the natural elements of the conservative tendency which exist in every society? and these elements I propose, as far as possible, to collect together in my elective second chamber. First, I observe that older men are generally more conservative than younger men; therefore I propose that the members of the upper house shall be of the age of, at least, thirty years. Secondly, I find that men possessing larger property are generally more conservative than men possessing smaller property; therefore I propose that members of the upper house shall have twice the property qualifications of members of the lower house. Thirdly, I find that men who hold their authority by a tenure of longer duration, are less inclined to innovation than men holding their authority by a tenure of shorter duration; therefore, I propose that the members of the upper house shall be elected for nine years certain, or for nearly twice the period for which the lower chamber is to be chosen. Fourthly, I find that the innovating tendency in its objection-



able form acts generally by sudden fits and starts, and is not of long duration; I, therefore, propose that the members of the upper house shall not be elected all of them at one and the same time, but one-third of them shall be elected every three years. Fifthly, I find that larger assemblies are more apt to yield to violent passions and sudden impulses for innovation than smaller assemblies; therefore, I propose that the number of members of the upper house should be much less than that of the lower house. Thus, I propose, in order to construct an upper house which shall contain more of the conservative tendency as it exists in colonial society, that it should be in comparison to the lower house a smaller body, consisting of older men, possessing larger properties, elected for longer periods, and not all elected at one and the same time. It is said, that there are not materials in the Australian colonies for an upper chamber. I have assented to the position that there are not materials out of which the Colonial Office can fabricate a nominated upper chamber, which shall command the confidence and respect of the inhabitants of the Australian colonies; but it is an obvious fallacy thence to infer that there are no materials for a good elective upper house. Many men, who, as the nominees of the Colonial Office, would entirely lose the confidence of the people, would possess that confidence if elected by, and responsible to, the people. For election and responsibility are with Englishmen the strongest grounds of popular confidence and respect. Now, the theory and experience of the States of the American Union prove, that, if there be materials for one elective chamber, there will be materials for two elective chambers; and, consequently, when Congress frames a government for a territory containing 5,000 male inhabitants of full age, it always establishes two houses. And, in fact, it is scarcely possible to imagine an English community containing that amount of population which does not contain the conservative as well as the innovating tendency; and if so, in order to construct a good upper house, it is only necessary to collect in it the conservative elements in the manner which I have proposed. Then, with an upper house so constructed, the conflicts between the conservative and innovating tendencies would take place between the two houses without reference to the Imperial Government, and would be fairly decided according to the

deliberate judgment of the whole community. The Government plan may be justly described as one for thoughtless and wild democracy, controlled by the fitful and accidental interference of an ignorant and misinformed Colonial Office despot. My plan is a deliberate proposal to take the colonies out of the leading-strings of the Colonial Office, to give them the complete control of their own local affairs, to start them with the institutions which theory and experience have proved to be best adapted for the self-government of the Anglo-Saxon man, and, finally, to empower them with due care and deliberation to alter and amend those institutions.

MR. F. PEEL said, he rose for the purpose of shortly supporting the Amendment. He said shortly, because he had already at an earlier stage of this measure taken occasion to state generally his acquiescence in the views of those who advocate a distribution of legislative power different from that contemplated by the Bill. His hon. and learned Friend, in recommending to the House the adoption of his Amendment, dwelt on the importance of assimilating the institutions of the colonies to those of the mother country, and of introducing the features and substance of the British constitution into the colonial governments of our empire. Many other reasons, he believed, might be urged in support of the Amendment; and, indeed, he greatly doubted, whether it would be possible for us to construct in our colonies a scheme of government at all resembling that which prevails in this country, because we all knew that the constitution of this country had not been the work of any Act of Parliament, but had been the slow growth of a long series of ages. We all knew that the form of our Legislature represented a great deal more than simply the expediency of requiring the concurrence of two bodies in legislative acts. We knew it represented corresponding arrangements of society, and corresponding ranks and classes in the social state of our community, none of which could be created in the Australian colonies by any act of ours. But this very consideration made him more solicitous that we should not make any false step in the direction we were taking; because, whatever was the form of constitution we recommended for the Australian colonies, it would have to rest for its support exclusively on the influence and authority of those who constituted the governing body, and on the good opinion of

those who were governed. It would have no prescription to urge in its behalf, it would have none of that presumption in its favour which length of time conferred on every government; it would not have been moulded into its present shape by the gradual action of the tastes, feelings, and habits of the colonists. If the system we should recommend to them was to have permanency, it must be congenial to their wishes. And he left hon. Gentlemen to judge for themselves how far a legislative assembly, two parts elected, and one part nominated, would be likely to secure the good opinion of the colonists, or command a ready acquiescence in the decisions of its majorities. He had heard no argument urged in defence of the single chamber, unless it was this—that it was the present form of the institutions of the colony of New South Wales, and that the colonists had expressed a wish that no alteration should be made in the present form of their constitution without their opinions being first consulted, and their consent being first obtained. He would not deny that there were expressions to that effect to be found in some of the petitions contained in the papers laid on the table of the House; but he contended that the meaning of those expressions ought to be collected with reference to the occasion which gave rise to them. And that occasion was not a proposition to resolve their legislature into two chambers, but it was a scheme propounded by the Colonial Secretary, to deprive the people of their existing elective franchise, and to substitute in their place a small number of electoral councils. Many hon. Gentlemen who spoke early in this debate, admitted the existence of defects in the institutions contained in this Bill, but considered it unnecessary to press their objections on the ground that these objections were obviated by the provision in the Bill which enabled the people of Australia to alter and amend their constitution as they might think fit, and to have, if they thought fit, a double chamber, instead of a single chamber. Now, so far, he thought, was this suggested remedy from removing his objections to the Bill, that he believed it aggravated the inconvenience, and demonstrated the impolicy of the course we were now taking, because no sooner would the legislative council have met in session, than it would be called upon by this Act to discuss a grave constitutional question—to consider and review the fundamental

principles of their constitution—and to rearrange and remodel the form of their legislature. It could hardly be expected that on a question of that kind the members of the legislative council would act harmoniously together—the interests of the elective members would be opposed to the interests of the nominated members. We were, therefore, he thought, deliberately laying the ground for future jealousies and animosities in the colony—we were laying the ground for local dissensions which could not fail to be aroused by the discussion of a constitutional question of that kind. But the evil would not be confined to the limits of the colony itself. We had heard a great deal about the policy of drawing a distinct line of demarcation between local questions and imperial questions—between that class of questions in which the colonists ought to be left to judge for themselves without any interference from the Government at home, and that class of questions in which the Home Government ought to have a controlling authority. Now, it might be difficult to tell under which class of questions any particular question that they might mention ought to fall; but at least there could be no doubt to which category any proposition introduced into the legislative council for the alteration of the constitution would belong; because it was expressly provided by this Bill that any Act passed by the legislative council, for the alteration or amendment of the constitution, was not to be valid until it had received the assent and confirmation of Her Majesty in Council. Now, it was very possible that the legislative council would come to the opinion that the legislative power ought to be vested in a single chamber, without any admixture of nominated members; and he apprehended that the Government at home would not consent to that. We were, therefore, he thought, not only laying the ground for local jealousies, but hazarding the good understanding which ought to prevail between the mother country and each of her colonies, and precipitating the discussion of questions in which it was declared by this Bill, that the interests of the Government at home were concerned, and upon which the people of the colony might be opposed. He might be told that if there was a double chamber determined upon, there would be some difficulty in the constitution of an upper chamber. There might be a difficulty, he admitted, but it would be found that it was not an insuperable one, if they would turn

their attention to the United States. In that Union there were thirty States—thirty sovereign communities—in each of which the legislative power was vested in a senate and a house of representatives. There were some of these States which had not a greater population than that of New South Wales. There were some of them which at one time had not more than a single chamber. He believed that Franklin prevailed upon the State of Pennsylvania to adopt a single chamber; but after a short experience they voluntarily relinquished that scheme, and modelled their legislative assemblies after the examples set them by other States. In Rhode Island also, he believed, a single chamber was tried for a time, and abandoned. The principal ground, however, on which he rested his support of the double chamber was, that it must influence very materially the form of the General Assembly of Australia; and he held that the powers of the different States of the Union could only be preserved in a general assembly by the establishment of two legislative houses. The wiser course, therefore, he thought, would be to vest the legislative power in two houses. Experience of course could alone determine whether that form of legislature was suited to the colonies of Australia. If tried by that test it should be condemned, the people of the colony might then properly carry into effect any change they might desire; but in so doing they would be acting not upon the suggestion of this House, not upon hypothesis, but by the light of experience, and with a practical knowledge of the people for whom they were called on to legislate.

The EARL of ARUNDEL and SURREY had come down to the House to support the proposition in favour of two chambers, and he believed he should have voted for the proposition of the hon. and learned Member for Midhurst, but, from the debate, to which he had listened with considerable attention, his opinions had entirely changed. There were two or three things which struck him as particularly striking respecting the question under discussion. The wishes of the colonies, it was very certain, had not been consulted. From all the extracts which he had heard quoted, he was inclined to think that the colonies were very doubtful whether they were fit for the proposed change. And another great reason, in his opinion, for leaving the colonies to choose for themselves on this question was, that Englishmen, as

well as all other people, were fond of creations of their own. They would not take any delight in a constitution that was forced upon them by a vote of that House. They would not take delight in it, as we did in ours, because we had worked it out for ourselves.

LORD J. RUSSELL said, the hon. Member for Leominster had put the argument in favour of the Amendment in as strong a light as possible, but had in his opinion failed to advance reasons which ought to induce the House to vote for it. Adopting the view which had been expressed by almost every speaker on the same side, the hon. Member had stated that it was proposed to introduce into the legislature of New South Wales what never existed before, namely, a body of members appointed by the Crown, and that they were starting a constitution utterly strange and wholly unknown to Parliament. Now, this rendered it necessary that he should state what had been the course of the Legislature on that subject. In July, 1840, he had the honour of introducing a Bill containing a provision for forming a council in New South Wales, consisting of 36 members, of whom 24 were to be elective, and the remaining 12 to be named by the Crown. In 1842, Lord Stanley, who had in the interval succeeded to the seals of the Colonial Office, introduced a Bill which he stated to be founded on that brought forward by himself (Lord J. Russell) but which he had not proceeded with; and, with the exception of some provisions relating to the franchise, its provisions were in reality nearly the same as those of the Bill of 1840. Now he thought it might be presumed from that fact that no great discontent or dissatisfaction had arisen in New South Wales from the proposals which he (Lord J. Russell) had made in that House. Between July, 1840, and the introduction of the Bill of 1842, there was ample time for expressions of dissatisfaction on the part of the colonists, and had such expressions been uttered, he imagined Lord Stanley would not have introduced his Bill. The Bill of Lord Stanley met with little opposition, did not call forth much comment of any kind, and became an Act of Parliament. From that time to the present, the constitution which had been represented as so monstrous a machine that it could not work, as acting wholly unknown in principle, and which it would be impossible to carry into effect in practice—this

absurd, impossible, and impracticable constitution had been actually working in New South Wales; and the people of that colony seemed now to have discovered that there were such inherent faults in it as had been described. In introducing the Bill it had appeared to him a fair presumption that it was at least a safe course to proceed on the foundations which had been already laid, and which, hitherto, had not failed. One of two things must be presumed, either that the legislature which they were then confirming and introducing was one which would be replaced by two chambers, or by some different form of appointment and election, or that the present constitution, being satisfactory to the people of New South Wales, would last. If they were to suppose that the constitution was to be changed, then, he said, wait till they heard the people of New South Wales and the Australian colonies, before they introduced a new form of government into the colony. If a man said his house was utterly unfit to live in, and he must have a new one, the prudent course would be for him to live in the old one until he had settled the plan of his new house; and to make a change before he had settled such a plan would be most unreasonable. What had happened with regard to this measure? The report of the Privy Council, written with great ability, and showing not only the course the Government were disposed to pursue, but also the reasons and grounds upon which it was based, was laid before Her Majesty in Council, approved, and printed in May, 1848. In that report a strong suggestion was made, and with all the force that could be used, for adopting such a change in favour of two chambers; all the reasons derived from our own constitution, from the state of our law, from the example of our colonies, were introduced in favour of such a change. The report said—

“In point of fact, the system now prevailing through the territories comprising the provinces of New South Wales was established by Parliament in 1842, and custom appeared to have attached the colonists to it. Public opinion in New South Wales appeared indeed to be decidedly opposed to an alteration in that respect of the existing institutions of the colony by the authority of Parliament.”

The main ground then on which the alteration was not adopted was stated to be the public opinion of New South Wales. But could anything be more obvious than that if public opinion was not in conformity

with that report, they would have immediately had petitions from the colonies declaring the public opinion was in favour of two chambers, and that therefore it might be safely adopted? Could it be possible such would not be the case? And yet what allegations did he find in the petition he had had the honour to present to the House from a number of firms and influential persons in the colony! They said—

“That the report having reached the colonies of New South Wales, Van Diemen's Land, and South Australia in September last, appeared to have been received with a high degree of satisfaction, as indicating a policy on the part of the mother country towards the colonies which was calculated to produce a lasting attachment of the colonies to the Crown.”

And the petitioners went on to say that the Bill was, in their opinion, suited in its various details to the actual circumstances of the colony. Those were persons who had the strongest interest in the welfare of the colony, and that nothing should be adopted by Parliament to cause discontent in those colonies. And from the intelligence he had received from those colonies, through the ordinary channels and other sources, he had asked the House to pass this Bill; and, in fact, not to adopt this great alteration. If an alteration must be made in the Bill, the question arose, what should the alteration be? At present New South Wales had a constitution of which the inhabitants approved; what was to be substituted for it? The proposition of the hon. and learned Gentleman the Member for Midhurst was not to make an alteration for the present moment, but to make an alteration in the constitution of the colony which would be as permanent as it would be great and serious. The proposal was that a legislative council should be nominated for ten years, and that, at the end of that period, legislative councillors should be named for life. It was obvious, therefore, that what the hon. and learned Member proposed—not with a view to any opinion or act of the colonists—what he contemplated was a permanent change in the constitution of New South Wales. He proposed that there should be two councils, one a representative assembly, the other consisting of persons appointed by the Crown. Now he (Lord J. Russell) doubted very much whether a council appointed by the Crown, and having the power of stopping any Bill which came from the representative assem-



bly, would give satisfaction to New South Wales. On that subject they were in possession of the opinion of the elective members of the present legislative council, expressed not long ago. On the 2nd of May, 1848, the following resolution was proposed:—

“That this council is disposed to view favourably the proposition to separate the deliberations of the nominees of the Crown from those of the representatives of the people.”

A resolution which was perfectly in accordance with the proposition of the hon. and learned Gentleman. An amendment was put and rejected. On the original question being put, the division was:—Ayes 11; Noes 10; but in the majority of 11 there were only four elective members, while in the minority there were no less than 9. So that by a majority of 9 to 4 of the legislative council of New South Wales, the proposition of the hon. and learned Member for Midhurst was deliberately rejected. Now he asked the House whether, after it had been stated by the Ministers of the Crown that they wished as far as possible to consult the feelings of the people of New South Wales in regard to their future government, the first alteration made in the Bill before the House should be an alteration directly in the teeth of the recorded opinion of the elective representatives? If the hon. and learned Gentleman's proposition were rejected, there would still be some risk; for the hon. Baronet the Member for Southwark had proposed an entire code for New South Wales, of which a new construction of the legislative council formed a considerable part. The hon. Baronet proposed that New South Wales should be divided into provinces, and that each of those provinces should elect three legislative councillors, three to go out at the end of three years, three at the end of six, and the remaining three at the end of nine years; and that after the first election each councillor should remain in for a period of nine years. Now, there appeared to him to be various objections to this proposal; but the first and the main one, and which appeared to him to be a decided objection was, that it was a proposal novel to New South Wales, and that they were to adopt it entirely at the suggestion of the hon. Baronet without knowing that there were five men in New South Wales who approved of it. In the next place, the hon. Baronet proposed that these legislative councillors should be elected in provinces. Now, of the amount and extent of these

provinces, of the population of these provinces, and especially how many persons there might be in each of these provinces who had 200*l.* a year in land, of all that they were utterly ignorant. And they might be here laying down a plan, forming a constitution, providing a chamber for the government of New South Wales, and find that in some of the provinces there were not more than five or six persons qualified to be elected; and they might be creating a close monopoly when they were professing to make an elective council. This appeared to him a strong reason why they should not adopt such a plan without information. Another objection was, that if they allowed these persons the right to sit in the legislative council without any power of dissolution in the Crown, that these persons nominally elected, not deriving their power from the Crown, and deriving it from the people with that restriction as to the amount of landed property which they possessed, they formed an oligarchy in New South Wales, which would obstruct any legislation for the good of the people. They were now to legislate for New South Wales, and no one should tell him that the adoption of the Motion of the hon. Baronet would not be to put power into the hands of a few rich people. The right hon. Gentleman opposite the Member for the University of Oxford had another and a fourth plan—that these persons should be partly elected and partly nominated by the Crown. [Mr. GLADSTONE: No!] Well, he would not discuss that. He would only say that a plan still more complicated than that of the hon. Baronet could not be safely adopted by that House, and that at least they ought to have some information before they adopted such plans. The hon. Gentleman the Member for Leominster had treated with indignity the notion that a new constitution should be made for the colonists without their consent, and yet that was a new constitution. Now, that was quite true, but, at the same time, all the negative evidence was that they would object to a constitution of any kind that was made entirely without their assent and without their knowledge. Then, what had the House to decide? Between what propositions was it that the House had to choose? They had to choose between the proposition of leaving the legislature in its present construction, and leaving it to the legislature of New South Wales to propose such alterations in that constitution as they thought were for their benefit. The pro-

position, on the other hand, was either to make a council of nominees, which was sure to be distasteful to the colonies, and yet if they adopted a second chamber, that was perhaps the only proposition they could safely adopt; or, on the other hand, creating an entirely new constitution for the colonies, of which the success was uncertain, and which might bring back to that House petitions and remonstrances saying it was utterly unfit for the colony. Much stress had been laid, in this debate, on the constitution of other colonies, but he thought they would be exceedingly imprudent if they were to adopt these constitutions of other colonies as a rule for them in the legislation which they were about to adopt, because these constitutions, like our own constitution, had in many instances grown up, and gradually the colonies had become subject to them. Take Jamaica, for instance, which he thought afforded a useful example in considering what should be the constitution for New South Wales. At first, in the constitution of Jamaica there was a colonial governor, a council, and an assembly; but the governor and council sat together, and the executive council, by his advice, affirmed or rejected bills. Gradually, however, the executive council got the privilege of sitting alone without the presence of the governor, and they formed themselves into a legislative body. In New South Wales he felt satisfied that a body so formed, having originally been an executive council, and formed of judges, the attorney and solicitor general, and other persons named by the Crown, would not work with advantage. It had lately occurred that motions for retrenchment in Jamaica had been rejected by the council formed of persons holding official appointments, and consequently nominees of the Crown. Now, although he could conceive that in Jamaica the machinery of the constitution might be made to rub on after such a proceeding, in New South Wales, he feared, it would only be followed by discontent and disappointment. For these reasons he asked the Committee to adopt the proposition of the Government, which all the evidence showed could be applied without danger to the colony.

MR. GLADSTONE said, that in venturing to implore the attention and indulgence of the Committee at that late hour, he would endeavour to merit it by passing in review as lightly and as rapidly as he could the arguments adduced upon this subject. Indeed, he should not have pre-

sumed to trespass upon the time of the Committee, were he not convinced of the importance of the principles involved in this proposition. Amidst the pressure of legislative business, it was difficult for hon. Members to consider even the leading provisions of the constitutions intended to be put in force at the Antipodes; but he asked the Committee to recollect that they were now about to lay the foundations of a form of free government of no less than five States founded by our fellow-countrymen of the Anglo-Saxon race, and that upon the first impression created by these constitutions the whole fate and destiny of those colonies, in these critical times, might depend. Let the Committee just consider the vote they were about to give. He conceived they were already agreed that if there were to be a single chamber in New South Wales, it should be a single chamber containing one-third nominees of the Crown. But the graver question to be considered was, whether they would adopt for those colonies the form of a double or a single chamber. He accepted the challenge thrown out by the right hon. Gentleman the President of the Board of Trade, and other hon. Members, in the spirit in which it was intended; and although he differed from many of the provisions in the Bill of the Government, he gave Ministers credit for the liberal and cordial spirit in which they had proposed the measure to Parliament. The noble Lord who had last addressed the Committee, said, there were three alternatives from which to choose, and defended the Government proposal on the ground that it was already in operation. Now, it had been extended to only one out of five, and he thought it an outrageous and a strange application of the conservative principle, and a worship of existing things merely because they existed, on such a ground to frame a constitutional charter for the five when it had been tried for only eight years in one. A Colleague of the noble Lord had said that this Bill had been received with approval in the colonies. But what kind of approval was it? Comparative approval had no doubt been expressed, but the Government could give no information, nor could they throw any light upon the extent of that approval. The Colonial Office was in possession of the most recent information from New South Wales, but the extent of the approval on the part of the people there was not stated. He did not question but that there had been approval of this

Bill in the colony. Escape from excruciating pain sometimes produced the effect of lively pleasure, and such pleasure might very well prevail in New South Wales. But it was said that no materials existed in these colonies for the formation of legislative councils. Now, how stood the matter? It was one in which they would be most safely guided by authority. And they had the distinct authority of the Governor of Van Diemen's Land, who recommended the appointment of an upper chamber in that colony. Now, what was the social position of Van Diemen's Land? Its numerical population was larger than that of Port Phillip or South Australia; but when they struck off the convict population, which he presumed would hardly afford materials for an upper house, and compared the residue with the newer colonies of Victoria and South Australia, it would be evident that both of these would afford as much means for the formation of an upper house as Van Diemen's Land. But the great argument of the Government was that the people of the Australian colonies had prayed that there should be no important change in their constitution without their previous consent. Well, what was the value of this argument? When he heard the hon. Gentleman the Under Secretary of the Colonies using it that evening, it certainly struck him as presenting a most flagrant instance of a man taking advantage of his own wrong. In 1842 it would be remembered efforts had been made to introduce a system of district councils, and in 1847 Earl Grey wrote that it was the opinion of the Government that though the plan had never been carried out, it should nevertheless not be abandoned. Was it to be wondered at, then, that the colony, so long exposed to experiments in constitution making, should desire that these experiments should be put an end to, and that no change in their constitution of a vital nature should be made without their consent? But how did Government understand, and how did they respond to that prayer? Was there no important changes proposed to be made by the Bill before the House? Were there no important constitutional changes proposed to be made by that Bill? Yes, it did contain provisions for various fundamental alterations, and that without the previous assent of the people of New South Wales. How, then, was Her Majesty's Government entitled to say, "We propose changes in the face of the letter of the people's

prayer, but we object to your changes because they are in the face of the letter of that prayer?" The justification of the Government was, that the change which they proposed was in the sense of enlarging the liberties of the people of the colonies. If that justification was good in one case, it was in the other. If the Government could avail themselves of it, it would also cover the Motion of his hon. and learned Friend, which he was now advocating. They proposed, in fact, to do the same to a greater extent than Government. They proposed to enlarge, not to contract, the political institutions of New South Wales; and he hoped that the House would not be diverted from the adoption of the Motion of his hon. and learned Friend by the most futile plea of the Government, that the colonists desired no change. With respect to the power given to the colonists to alter the constitution for themselves, that was a point into which he would not enter; but he might remark that they were very much mistaken if they thought that by creating twelve nominee members and twenty-four elective members of the council, they would be giving the latter a preponderance over the former in the ratio of twenty-four to twelve. The nominee members would be always at hand—always being in the vicinity of the place of assembly—while the elective members would, coming from distant points, be by no means so readily available for the purposes of legislation and administration. And the influence thus exercised by the nominees would be in far greater proportion than their numerical power would at first sight lead one to suspect. But besides that, the principle of the Bill would be the signal for a permanent political contest in New South Wales. The noble Lord at the head of the Government stated that matters were quiet there at present, and that there was no evidence that the constitution had been received with discontent. But the House must consider the mode in which such a constitution was received with reference to the condition from which the people for whom it was intended had just emerged. Never having had the privilege of any representative government at all, they were naturally gratified by the application of even a very limited form of the principle to the colony. But now that a far wider range of political privileges was to be accorded to them—now that they were about to give the people of New South Wales

power to alter and partially remodel their constitution—it was most important that that constitution should contain no element likely to lead to long-continued political strife. But what was the fact? Here they were placing twenty-four elective, and twelve nominee, members of council beside each other, the ratio of influence being, as he had explained, very different from the arithmetical proportion. By doing so they were not securing their majority, while they were exhibiting their jealousy of colonial influence; and thus, as he contended — power being given to the colony to change their constitution—they were sending out a set of political institutions which would be the signal for constant agitation until the constitution had been, as it would be, altered in favour of the popular principle. He hoped that the House would become acquainted with the very able pamphlet of Mr. Mackay upon the subject, in which there were abundant arguments and proof as to the mode in which the constitution would probably work in New South Wales. But he did not admit the alleged present contest of the colony as it had been depicted by the noble Lord at the head of the Government. He believed that, in several respects, the colonists were discontented with the propositions before them. There was the evidence of Dr. Lang — not, perhaps, one of the most politically temperate witnesses who could be called, but still one whose opinions were entitled to considerable respect. He said, that the Australian colonists considered it a grave grievance that there should be nominee representatives in their legislature at all; and that he felt surprised there should be the present impolitic, unconstitutional, and unnecessary proposal made. He objected to the constitution before them, however, as to its principle. He held that it was radically vicious: to appoint a council formed of twelve nominated and twenty-four elective members, was to frame a bad constitution—a constitution tending to weaken the authority of the legislature, by introducing distinctions between the vote of this and that man. But he went further, and he urged that such a council would be a perpetual monument of a false principle. The presence of nominated members would be a lasting testimony to the false principle that the popular element in the colony ought to be controlled by influence from home. It was high time that they should understand each other upon that point.

They spoke of democracy; but, democratic or not, they must work with the materials which they had at hand. And let them not suppose that if the influences to be dealt with were democratic, they could be made otherwise by a system of checks and interference and control from home. Besides being democratic, the House by so acting would tend to encourage and foster an anti-British feeling. What in his heart he desired to see was the closest possible imitation in our colonies of our own institutions at home. That was the principle which he had at heart. But they could only effect such an object through the medium of the inclination of the colonists. To attempt to create a Crown influence — a British influence — to rally a British party, and to make attachment to Britain a watchword in political strife, instead of being, as it ought to be, the common quality of all Her Majesty's subjects in the colonies and at home—let them attempt to do this, and their policy would recoil on themselves; and the consequence would be, that the national movement of the popular mind in colonial communities would be allied to something of distaste for the introduction or the continuance of British institutions altogether. The general principles of politics were not matters which should be discussed in that House; but in this case the principle was so well established that it hardly required their going into lucid details of the able and eloquent speech of the hon. Baronet the Member for Southwark, who had demonstrated the principle in an unanswerable manner. The noble Lord at the head of the Government was mistaken in supposing that they would be led into minute details by adopting the course proposed by the hon. and learned Gentleman the Member for Midhurst, as there was no necessity for doing anything of the kind. He would tell the Government that if the responsibility was too great for that House to assent to pass a Bill creating a constitution with a double chamber, although the delay would be a great evil, he would rather send a good constitution out in 1851, than a bad one in 1850. It might appear a paradox for him to support an elective upper chamber in New South Wales, but he believed by adopting such a course they would gain the love and affection of the inhabitants of these colonies. They were not able to produce the elements of a House of Lords in the colonies, but he was convinced they would be infinitely more likely to attain a



more satisfactory upper chamber by election than by nominees. The principle of nomination did not, however, apply in these cases. Although it was very well to call persons so appointed to a chamber the nominees of the Crown, they were actually merely the nominees of the governor. It was not on the ground of the excellent or superior qualifications of parties that they were made nominees; but the governor acted upon the exigency of the moment, and this was the constitution of a body which never could contest against the system of popular election. He was perfectly persuaded, when the inhabitants of New South Wales were informed of what had passed, they would regard this proposal as involving one of the greatest boons that could be conferred on these colonies. He would make this concession to the noble Lord, that he did not think the matter was one of vital importance at that moment, but it was their duty to make provision for the future of these colonies, therefore he was anxious to proceed on the experience they had of double chambers. He had no wish to cite authorities on this subject, but he could not help referring to the work of an eminent philosophical writer, which was not so often alluded to as it had been shortly after its publication—he alluded to M. de Tocqueville's work on the United States. That distinguished writer clearly pointed out the necessity of double chambers, and said that time and experience made the several States of America aware that there was no other mode of avoiding difficulties than by a second chamber. He says that the State of Philadelphia attempted to establish their constitution with a single chamber, and even Franklin got embroiled with the notion, but experience showed that the attempt would not be successful. He adds, that experience in the United States showed that a double chamber should be regarded as an axiom in political science. The theory of a double chamber rested upon the principle that in the upper chamber they would find in it solemnness and steadiness, while the democratic element obtained in the lower chamber. Do not let the House of Commons depart from its proud characteristic of paying more attention to speculation than to experience, although they must speak with every respect of the speculations of political philosophy. He believed in our colonies there formerly had always been an adoption of this principle. He would join with the hon. Member for Leo-

minster in appealing to the example of the United States, that they, perhaps, could not do less than advert to them while on the subject of planting colonies. Whatever he might think of the superior character of our own institutions, we may see, in point of stability and vigour, something to learn from the United States. In their outset they were rather corporations than colonies; but the great principle was recognised in them that the influence to govern the colonies should be local influence arising from the body of the settlers. In 1621 the first assembly met in Virginia. In 1624 the patent of the company at home, which had undertaken to rule the colony, was set aside. In 1628 the colony of Massachusetts obtained a charter, and in the next year they fixed the seat of government on the other side of the Atlantic. The principle on which the people of Massachusetts acted, was, that the law should pass with the assent of the people, and with the approbation of the governor and six assistants who were to act with him. In the constitution of Rhode Island it was distinctly provided that the assistants should be parties to act with the governor in regard to the making of laws. Therefore at that early period the governor and assistants might be considered the groundwork of the legislative assemblies in the United States, while the houses of assembly were considered as mere popular bodies. They should recollect what might be cast on them by the events of the American Revolution. They should look to the time which might arise when these colonies should assert, he hoped, with every regard and affection to the mother country that they were then suited by Providence for the management of their own affairs. Difficulties might attend the crisis, and modern history did not furnish them with instances of a mother country allowing her colonies to declare themselves independent. He was not very sanguine for the future; but when these new States came to be launched into the world, it was of the greatest importance that they should have amongst themselves the elements of good constitutions. In the United States, foolish and wicked as in other respects the conduct of this country might have been, we founded good institutions, and the people were now rewarded with the results. Some striking examples of the advantages which resulted from those institutions occurred at the termination of the American war. He would refer

the House to the memorable words of Washington on that occasion, who said he never feared any danger; but the element of disturbance which agitated society gave him most trouble, and he never saw such danger as in these domestic factions. They all knew how anxious that great man—one of the greatest and most highminded men of modern times—was for the prevention of internal dissension. The serene and tranquil, but the brave and determined spirit of that man, who had left as pure a character behind him as ever was described in the page of history, was much troubled for some time with matters which had a threatening aspect in this respect. After he had carried his country through the dangers of the war, he was alarmed at the internal disorganisation which apparently was about to occur within it. It was by his reliance on the very principle of the division of power that he was able to place on his side the upper against the lower chamber, in which the popular feeling was so predominant. He placed his reliance on the more steady feeling of the country against the naked democracy which existed there. In his retiring address he alluded to the necessity of political checks on the constitution, such as existed in the upper chamber. In the time of the War of Independence the strongest feeling arose in America against anything like an hereditary feeling which had originated in the anti-British feeling, which had been generated and exasperated by the war. As an instance of this, he might mention that at the termination of the war it was proposed to form a private assembly of those who had been engaged in the war, and to be continued by their descendants in commemoration of the success of the war; but so strong was the feeling in the United States against anything which proposed to transmit an office from father to son, that the parties proposing it were obliged to abandon it. In 1789 Washington was obliged to resume the Presidency, and he said he did so with feelings like those of a culprit. At that time the feeling against Great Britain was most strong; and in 1793 it was thought that nothing could prevent a war breaking out; and parent and child, whose hands had so recently been imbrued in each other's blood, were again likely to be involved in the horrors of a contest. All the elements of disturbance were on one side, but on the other war. Washington, from the form of government which

this country had granted to these States, was enabled to counteract all these evils by means of the upper against the lower chamber. In 1794 a Bill was brought into the House of Representatives of the United States to stop all trade with England. Look to the effects which were likely to follow an event which would so seriously affect a commerce which was carried on to such an enormous extent. The Bill passed the House of Representatives, but it was rejected by the Senate. Thus the Senate was found able to check the element of ungovernable zeal, and the predominance of popular passion. Again, a proposition was made to give the preference in trade to France over England. That was a measure which, if not an absolute declaration of war, approached very near to it. It was passed by the House of Representatives, but was rejected by the Senate. In 1795 these events had reached their crisis, and then Washington was bold enough, aided by the Senate of the United States, to conclude a treaty of amity and commerce with Great Britain. In the House of Representatives, motions were made against Washington, and carried; but notwithstanding all, Washington was able, by the aid of the Senate, who threw out those adverse motions, to conclude at last that treaty which thenceforward became the basis of permanent intercourse and friendly feeling between the two countries. That surely was a practical illustration of how, in a most perilous crisis in the colonies, the principle he (Mr. Gladstone) was now contending for was the right one. He besought the House, then, not to consent to this Bill. He could not consent to send out to Australia what he must call an absurd product of accident and confusion, and misunderstanding—for such it was, under colour of much that was pretended to be the will of the colonists in its favour. If the Government contended that they could not adopt this proposition without placing it before the colonists, then, as the least of two evils, he recommended them to take time, and to do so. For his own part, he did not believe that any power was given by the Bill to alter the constitution. The proposal of the hon. Baronet the Member for Southwark gave a power to alter the constitution too, but the power given by the Government was clogged in the first place by the presence of a rather compact and formidable minority of nominated members; and, in the next place, the colonists would have to

submit any change they might think fit to make to the revision of an executive government, or rather of a department in England. But what the hon. Member for Southwark proposed to give, provided a safety valve, and was a real power, subject to local checks alone, and not subject to the power at home. He hoped the House would not, at this critical moment, give their sanction to a principle so false as that contained in this measure. That the Bill of the Government was more democratic he did not doubt, and he believed that conservative principles would derive no benefit from the presence of these nominees who would cause a perpetual fret in the Assembly; while conservative principles they could not protect. He would now conclude by asking them if they were to send them a constitution to send them one which in its essential qualities shall be based on the same principles as their own, and which, as far as their best wisdom could provide, shall enable them to discharge their affairs with all that glorious pride that belonged to the descendants of England.

COLONEL THOMPSON said, he must be allowed a few words, without which he could not vote with credit. He had agreed with, and had cheered nearly everything said by the hon. Member for Southwark, and had made up his mind to vote for the Amendment of the hon. and learned Member for Midhurst, till the noble Lord (Lord J. Russell) directed attention to the after-intentions avowed by the hon. Mover. He made a point of never following, where there was an after-intention he could not approve. The intention avowed by the hon. and learned Mover, was that in the end there should be a legislative council appointed by the Crown for life, with a proviso that not more than one-third should hold offices of emolument. Now who was there that wanted to land in this? Those who did, might vote for the Amendment; but to those who did not, he would suggest opposing in the present stage.

Question put, "That the Clause as amended, stand part of the Bill."

The Committee divided:—Ayes 198; Noes 147: Majority 51.

#### *List of the AYES.*

Abdy, Sir T. N.  
Adair, R. A. S.  
Aglionby, H. A.  
Anderson, A.  
Anson, hon. Col.

Anson, Visct.  
Armstrong, Sir A.  
Armstrong, R. B.  
Arundel and Surrey,  
Earl of

Baines, rt. hon. M. T.  
Baring, rt. hon. Sir F. T.  
Barnard, E. G.  
Bass, M. T.  
Berkeley, Adm.  
Berkeley, hon. H. F.  
Berkeley, C. L. G.  
Blackall, S. W.  
Bouverie, hon. E. P.  
Boyle, hon. Col.  
Bramston, T. W.  
Brand, T.  
Brocklehurst, J.  
Brockman, E. D.  
Brotherton, J.  
Browne, R. D.  
Bulkeley, Sir R. B. W.  
Bunbury, E. H.  
Burke, Sir T. J.  
Buxton, Sir E. N.  
Cardwell, E.  
Carter, J. B.  
Cavendish, hon. C. C.  
Cavendish, W. G.  
Childers, J. W.  
Clay, J.  
Clay, Sir W.  
Clerk, rt. hon. Sir G.  
Clifford, H. M.  
Coke, hon. E. K.  
Cowper, hon. W. F.  
Craig, Sir W. G.  
Dawson, hon. T. V.  
Denison, J. E.  
Devereux, J. T.  
Divett, E.  
Douglas, Sir C. E.  
Duff, G. S.  
Duff, J.  
Duke, Sir J.  
Duncan, Visct.  
Dundas, Adm.  
Dundas, rt. hon. Sir D.  
Ebrington, Visct.  
Ellis, J.  
Elliot, hon. J. E.  
Enfield, Visct.  
Evans, J.  
Evans, W.  
Ewart, W.  
Fagan, W.  
Fergus, J.  
Fitzwilliam, hon. G. W.  
Fordyce, A. D.  
Forster, M.  
Fortescue, hon. J. W.  
Fox, R. M.  
Fox, W. J.  
Freestun, Col.  
Glyn, G. C.  
Grace, O. D. J.  
Graham, rt. hon. Sir J.  
Greene, J.  
Grenfell, C. W.  
Grey, rt. hon. Sir G.  
Grey, R. W.  
Grosvenor, Lord R.  
Grosvenor, Earl  
Hallyburton, Lord J. F.  
Hanmer, Sir J.  
Harcourt, G. G.  
Hardcastle, J. A.  
Harris, R.

Hastie, A.  
Hastie, A.  
Hatchell, J.  
Hawes, B.  
Hayter, rt. hon. W. G.  
Headlam, T. E.  
Heywood, J.  
Hobhouse, rt. hon. Sir J.  
Hobhouse, T. B.  
Hodges, T. L.  
Howard, Lord E.  
Howard, hon. C. W. G.  
Howard, hon. E. G. G.  
Howard, P. H.  
Howard, Sir R.  
Keppel, hon. G. T.  
Labouchere, rt. hon. H.  
Langston, J. H.  
Lascelles, hon. W. S.  
Lemon, Sir C.  
Lewis, G. C.  
Locke, J.  
Mackie, J.  
M'Cullagh, W. T.  
M'Gregor, J.  
Mahon, The O'Gorman  
Marshall, W.  
Martin, C. W.  
Matheson, Col.  
Maule, rt. hon. F.  
Melgund, Visct.  
Milner, W. M. E.  
Milnes, R. M.  
Mitchell, T. A.  
Moffatt, G.  
Moore, G. H.  
Morgan, H. K. G.  
Morris, D.  
Mostyn, hon. E. M. L.  
Mulgrave, Earl of  
Mure, Col.  
Norreys, Lord  
Norreys, Sir D. J.  
O'Brien, Sir T.  
O'Connell, M. J.  
Ogle, S. C. H.  
Ord, W.  
Owen, Sir J.  
Paget, Lord A.  
Paget, Lord C.  
Paget, Lord G.  
Pakington, Sir J.  
Palmerston, Visct.  
Parker, J.  
Patten, J. W.  
Peel, rt. hon. Sir R.  
Pelham, hon. D. A.  
Peto, S. M.  
Pigott, F.  
Pilkington, J.  
Power, Dr.  
Power, N.  
Price, Sir R.  
Pusey, P.  
Rawdon, Col.  
Rendlesham, Lord  
Reynolds, J.  
Ricardo, O.  
Rice, E. R.  
Rich, H.  
Robartes, T. J. A.  
Romilly, Col.  
Romilly, Sir J.

Russell, Lord J.  
 Russell, hon. E. S.  
 Russell, F. C. H.  
 Scully, F.  
 Sheil, rt. hon. R. L.  
 Shelburne, Earl of  
 Slaney, R. A.  
 Smith, J. A.  
 Smythe, hon. G.  
 Somers, J. P.  
 Somerville, rt. hn. Sir W.  
 Spearman, H. J.  
 Stansfield, W. R. C.  
 Stanton, W. H.  
 Staunton, Sir G. T.  
 Stuart, Lord J.  
 Talbot, J. H.  
 Tancred, H. W.  
 Tenison, E. K.  
 Tennent, R. J.  
 Thicknesse, R. A.  
 Thompson, Col.  
 Thornely, T.

Tollemache, hon. F. J.  
 Towneley, J.  
 Townley, R. G.  
 Townshend, Capt.  
 Trelawny, J. S.  
 Tufnell, H.  
 Vane, Lord H.  
 Verney, Sir H.  
 Villiers, hon. C.  
 Watkins, Col. L.  
 Wawn, J. T.  
 Willcox, B. M.  
 Willyams, H.  
 Williamson, Sir H.  
 Wilson, J.  
 Wilson, M.  
 Wood, rt. hon. Sir C.  
 Wood, W. P.  
 Wrightson, W. B.  
 Wyvill, M.  
 TELLERS.  
 Hill, Lord M.  
 Bellew, R. M.

### List of the NOES.

Adair, H. E.  
 Adderley, C. B.  
 Arkwright, G.  
 Ashley, Lord  
 Baillie, H. J.  
 Banks, G.  
 Baring, T.  
 Bateson, T.  
 Beckett, W.  
 Beresford, W.  
 Blair, S.  
 Blandford, Marq. of  
 Boldero, H. G.  
 Booth, Sir R. G.  
 Bowles, Adm.  
 Bright, J.  
 Broadley, H.  
 Broadwood, H.  
 Bruce, Lord E.  
 Burghley, Lord  
 Burroughes, H. N.  
 Campbell, hon. W. F.  
 Carew, W. H. P.  
 Chatterton, Col.  
 Chichester, Lord J. L.  
 Christopher, R. A.  
 Christy, S.  
 Cobbold, J. C.  
 Cobden, R.  
 Cocks, T. S.  
 Codrington, Sir W.  
 Cole, hon. H. A.  
 Cowan, C.  
 Deedes, W.  
 Dodd, G.  
 Duncan, G.  
 Duncombe, hon. O.  
 Duncuft, J.  
 Dundas, G.  
 Dunne, Col.  
 Du Pre, C. G.  
 East, Sir J. B.  
 Edwards, H.  
 Egerton, W. T.  
 Emlyn, Visct.  
 Estcourt, J. B. B.  
 Farrer, J.

Fellowes, E.  
 Filmer, Sir E.  
 Forbes, W.  
 Forester, hon. G. C. W.  
 Fortescue, C.  
 Fox, S. W. L.  
 Gaskell, J. M.  
 Gladstone, rt. hon. W. E.  
 Goddard, A. L.  
 Gooch, E. S.  
 Gordon, Adm.  
 Gore, W. R. O.  
 Greenall, G.  
 Greene, T.  
 Grogan, E.  
 Hale, R. B.  
 Halsey, T. P.  
 Harris, hon. Capt.  
 Heald, J.  
 Heneage, G. H. W.  
 Henley, J. W.  
 Henry, A.  
 Hervey, Lord A.  
 Hildyard, T. B. T.  
 Hodgson, W. N.  
 Hood, Sir A.  
 Hope, A.  
 Hornby, J.  
 Hotham, Lord  
 Hudson, G.  
 Inglis, Sir R. H.  
 Jermyn, Earl  
 Jocelyn, Visct.  
 Kershaw, J.  
 Law, hon. C. E.  
 Legh, G. C.  
 Lennox, Lord A. G.  
 Lindsay, hon. Col.  
 Lockhart, W.  
 Lushington, C.  
 Lygon, hon. Gen.  
 Mahon, Visct.  
 Mandeville, Visct.  
 Manners, Lord G.  
 Manners, Lord J.  
 March, Earl of  
 Marshall, J. G.

Maxwell, hon. J. P.  
 Meux, Sir H.  
 Miles, P. W. S.  
 Miles, W.  
 Molesworth, Sir W.  
 Monsell, W.  
 Moody, C. A.  
 Mowatt, F.  
 Naas, Lord  
 Newdegate, C. N.  
 Newry and Morne, Visct.  
 Nugent, Lord  
 Osborne, R.  
 Packe, C. W.  
 Palmer, R.  
 Palmer, R.  
 Perfect, R.  
 Plowden, W. H. C.  
 Portal, M.  
 Prime, R.  
 Reid, Col.  
 Repton, G. W. J.  
 Salwey, Col.  
 Sanders, G.  
 Scholefield, W.  
 Scott, hon. F.  
 Seymer, H. K.  
 Sheridan, R. B.

Sibthorp, Col.  
 Simeon, J.  
 Smith, rt. hon. R. V.  
 Smith, J. B.  
 Smyth, J. G.  
 Somerset, Capt.  
 Spooner, R.  
 Stanford, J. F.  
 Stanley, hon. E. H.  
 Stuart, Lord D.  
 Stuart, J.  
 Sullivan, M.  
 Thompson, Ald.  
 Trollope, Sir J.  
 Turner, G. J.  
 Verner, Sir W.  
 Vesey, hon. T.  
 Vyse, R. H. R. H.  
 Waddington, D.  
 Waddington, H. S.  
 Walmsley, Sir J.  
 Wegg-Prosser, F. R.  
 Williams, J.  
 Wortley, rt. hon. J. S.  
 Wyld, J.

TELLERS.

Walpole, S. H.  
 Peel, F.

House resumed.

Committee report progress ; to sit again on Friday, 12th of April.

### PROCESS AND PRACTICE (IRELAND) BILL.

The House went into Committee on this Bill.

MR. GROGAN said, he wished to propose an Amendment for the purpose of securing to a Mr. Clancy, and to two other officers of the courts, annuities equal to the present salaries to which they were entitled, they having full freehold interests and rights in their offices.

The SOLICITOR GENERAL regretted that he could not accede to the proposition of the hon. Gentleman, although if ever there was a case in which gentlemen were clearly entitled to compensation for the loss of their offices that was one, one of those gentlemen having, he believed, held his situation upwards of forty years. However, the House was well aware of the many complaints that had been made against the introduction of compensation clauses into Acts of Parliament, and of the very great difficulty that the House had in understanding the exact nature of the cases submitted to it in which such claims were made. It had, therefore, decided long since, that all such cases should be submitted to the Treasury for decision. That course had been pursued last year in the case even of the Palace Court, where people had actually paid money for their



offices, and the same would be done in the instance then before the House.

MR. GROGAN said, that after the explanation of the hon. and learned Gentleman, he would not further press the subject; and he hoped the case would be favourably considered by the Treasury.

MR. REYNOLDS said, there was a body of men known as copying and engrossing clerks, who were paid by office sheets, and not paid salaries; the clause in its present shape, would not give that class of men full protection. He was desirous to hear whether it was intended they should be superseded without compensation? Many of them had been employed in the offices of the court for periods varying from five to forty years.

The SOLICITOR GENERAL was totally unable to form an opinion whether these parties were entitled to compensation; but believing it was possible they might be, he had, with the consent of the Chancellor of the Exchequer, introduced the word "employment" into the clause, which would include such cases, if the claims, in the opinion of the Treasury, were good.

House resumed.

Bill reported; as amended to be considered on Friday 12th of April.

The House adjourned at a quarter before Two o'clock till Monday next.

## HOUSE OF LORDS,

*Saturday, March 23, 1850.*

MINUTES.] PUBLIC BILL.—3<sup>d</sup> Mutiny; Marine Mutiny.

House adjourned to Monday next.

## HOUSE OF LORDS,

*Monday, March 25, 1850.*

MINUTES.—*Sat first* after the death of his Father, The Lord Kintore.

PUBLIC BILL.—2<sup>d</sup> Masters' Jurisdiction in Equity; The Trustee Act, 1850.

Royal Assent.—Consolidated Fund; Mutiny; Marine Mutiny; Registrar of Metropolitan Public Carriages; Turnpike Road and Bridge Trusts (Ireland).

### MASTERS' JURISDICTION IN EQUITY BILL.

Order of the Day for the Second Reading read.

LORD BROUGHAM then presented a petition from the Equity Committee of the Metropolitan and Provincial Law Associa-

tion, representing the opinions of no less than 1,000 solicitors and attorneys in this metropolis, complaining that little progress had been made in the way of reform in the Court of Chancery, a point in which he could not agree with them, inasmuch as he had himself introduced more than one Bill productive of very useful reforms. They prayed their Lordships to pass some measure which would amend the law, and diminish the expense and delay which now occurred in the case of administration suits in that court. They likewise prayed their Lordships to give their sanction to the Bill of which he then had to propose the second reading, and which was intended to remedy the peculiar evil of which they complained. He considered this stage as the introduction of that Bill, which, he was happy to say, had met with the concurrence of his two noble and learned Friends the Lord Chancellor and the Master of the Rolls. He should, therefore, explain the provisions of the Bill, and ask their Lordships to give their sanction to the second reading of it conditionally, or, as they said in the profession, *de bene esse*, in order that it might be printed and circulated during the recess, and thus have the benefit of the consideration and amendment of the profession of the law before its next stage in the progress of legislation. If the Easter recess had not been so near, he would have deferred the introduction of this Bill until his noble and learned Friend the Lord Chancellor had recovered from his indisposition, and returned to the woolsack; but the importance of having the Bill considered by the profession during the recess was so great, that he could not consent to postpone the introduction of it any longer. He had already stated, from the petition which he had just presented, that great difficulty existed in obtaining payments of legacies, and indeed he might also say of debts, by suit in the Court of Chancery, even in those cases which were uncontested, and in which there was no litigation, doubt, or difficulty. The impossibility of obtaining redress in such cases was the evil; the remedy for it was the Bill which he then held in his hand. He did not take to himself the credit of devising that remedy; it was due, in the first place, to an Act of the Legislature which was passed a year or two ago, called the Winding-up Act, and which had worked marvellously well; and, in the next place, to a Master in Chancery, a near and dear relative of his own (Master Brougham).

who had conceived the happy idea of extending that Act, and of applying its machinery to all cases of administration suits in the Court of Chancery. He (Lord Brougham) had long known the evil of the present system; but he had never been able to grapple with it as his worthy relative had been enabled to do, through his knowledge of the duties performed in the Master's Office, acquired by his experience of them during the last eighteen or nineteen years. The main object of the Bill was to commence consent administrations in the Master's Office: to secure an immediate notice to all parties, a judicial advertisement was to be made by the Master that he had commenced the administration, and an immediate and cheap appeal was to be given to the Court, in case any party was dissatisfied. To induce solicitors to get through their work rapidly, and without the expense of copies, they were to be paid, as far as possible, one fee for the job. It would then be the solicitor's interest to spend as little as possible, and finish as soon as possible. This was already done under the Winding-up Act, and had been attempted under the new orders. Such being the case, he was about to introduce to their Lordships a scene of intolerable pressure on parties, of the most cruel injustice to individuals, of an enormous amount of property prevented from being enjoyed by the persons to whom it really belonged, and of an abuse of enormous extent in the administration of Equity, for which neither the Courts, nor the Judges, nor the Masters, nor the practitioners, were responsible, but for which the law, and the practice founded on the law, were alone answerable. It was now found that by law an executor or a trustee—for a trustee in this respect stood on the same footing with an executor—was liable for unknown debts during many years after winding all up, although he had advertised for creditors to come forward. In proof of this position, the noble and learned Lord referred to the case of "*Knatchbull v. Frainhead*" (3 Mylne and C., 122), decided by Lord Chancellor Cottenham; to that of "*Lowe v. Castor*" (1 Beavan, 426), decided by Lord Langdale, as Master of the Rolls; and also to that of "*Hill v. Gornine*" (1 Beavan, 540), decided by the same Judge. In all these cases he contended that unknown debts, though advertised, were saddled on executors after a lapse of many years. Now, under the old state of the law, under

which executors could keep money in their hands, and defer the payment of legacies and debts almost as long as they pleased, the trade of an executor might not be a bad one; but under the existing state of the law, the trade was nearly ruined—so much so, that one of his learned Friends, in the course of a cause before him, had said that it was a marvel that any man in his senses should now become an executor. Such being the case, it was clear that an executor, if he were in his senses, and had proved the will of his testator, had only one safe course to pursue, and that was to go into the Court of Chancery for his *quietus*. Their Lordships might, perhaps, suppose that, under such circumstances, all executors did go there for such *quietus*. No such thing. His relative, Master Brougham, had procured the true proportion of such executors as did so, by inquiries which he instituted at the Stamp Office. The probate returns showed that of persons possessed of personal estates in value between 500*l.* and 1,000*l.*, from 4,000 to 5,000 persons died in a year; of persons possessed of personal property between 1,000*l.* and 6,000*l.*, 5,000 to 6,000; of persons possessed of personal property between 6,000*l.* and 12,000*l.*, 1,000 to 1,500; and of persons possessed of personal property between 12,000*l.* and upwards, 800 to 1,000. Rejecting all cases where the personal estate was sworn to be under 500*l.*, and assuming that half the rest came to the Court of Chancery, they ought to have 5,000 to 6,000 administrations in a year; but, from the Chancery return, the actual number appeared to be not 600. Nine-tenths of the cases were therefore kept out of the court by the delays and enormous and intolerable expense of its proceedings. Now, if their Lordships were not alarmed at the proposal, he would introduce them into the Court of Chancery, a place of which it had been said that if a man once got into it he would never get out of it. And here he would confine himself to the progress of a case where there was no litigation, and in which everything was done by consent. In the simplest administration suit there were two or three sets of parties, and therefore as many office copies of bill, with no real litigation. Then there were close copies; then the answers in draught; then the engrossment; then a special commission to swear; then a special messenger to take the answer to London, as it was not allowed to be sent

by post; then office copies; then close copies; then counsel's opinion on evidence; then interrogatories to prove will—if any land—although not disputed; then a special commission to examine witnesses; then evidence taken in secret, no one questioning the will; then special messenger to London; and then office copies again. Sometimes there was an original will brought from the Probate Court at York to London, at an expense of 20*l.*, no one disputing it, or even looking at it when brought up; and then the cause was heard, and so entirely was the decision a matter of course that the Vice Chancellor of England had disposed, to his knowledge, of sixty within the hour. Thus, the learned Judge was not one minute in hearing and making up his mind on each of these cases. So rapid was the disposal of the cases, that the officer of the court was unable to keep up with the pace of the learned Judge, and asked for time to enter them, or for a note from the parties. Then came the formal decree, "with the usual directions." Now, on the subject of this formal decree, he had a curious circumstance to give their Lordships. In a case before the Vice Chancellor, a learned counsel moved for "the formal decree, with the usual directions;" and what did their Lordships think was the reply of that learned and excellent Judge? Nothing less than this: "Yes, let the usual decree go forth for the destruction of this estate in due course of law." There must be "something rotten in the state of Denmark" when a learned Judge, who was no vilipender of the proceedings of his own court, could confess that the decree which was to go forth was synonymous with saying, "Let the estate be destroyed." He had now gone through the different stages of expense and delay up to this point. The cost was from 200*l.* to 300*l.*, and rarely under 100*l.*, and still no part of the real work was yet begun. The whole was nugatory up to that point—not to those who received the fees, but to the parties interested. The first effective step was the Master's advertisement for creditors. Yes, when all this misery was endured, the unhappy suitor was only in the vestibule, and not in the jaws of the Pandemonium of Chancery; and yet there had been expense enough to wear down any man of small property. He was now exposed to every form of misery. His were the woes of care and illness, and an old age of want; of anxious fear, of

hunger, of poverty; of toil that brought no gain; of premature death: then there was the slumber of the Court of Chancery to be encountered, and the maddening feeling which fired the brain of him who expected justice to be done, where injustice was inflicted, and who expected to receive right where wrong was sanctioned.

"Vestibulum ante ipsum primisque in faucibus Orci,  
Luctus, et ultrices posuere cubilia Curæ:  
Pallentesque habitant Morbi, tristisque Senectus,  
Et Metus, et malesuada Fames, et turpis Egestas,  
Terribiles visus formæ: Letumque, Laborque:  
Tum consanguineus Leti Sopor, et mala mentis Gaudia, —  
Ferreique Eumenidum thalami, et Discordia demens  
Vipereum crinem vittis innexa cruentis."

These horrors were studded thickly on the threshold before the unhappy suitor entered into the Court of Chancery. He had, however, described to their Lordships the means wisely devised for their removal, furnished by long experience, not attended with the establishment of a new court, or the introduction of a novel jurisdiction. The whole plan was perfectly safe—it was the application of a remedy which in another case had been found to work marvelously well—it was the application of the powers of the "Winding-up Act" to those cases he had described. The cost at present was 200*l.* or 300*l.* to get to the threshold—to get into the vestibule—*primisque in faucibus Orci*. How much would be the expense under his proposed Act? Just 5*s.* He must ask their Lordships to give a favourable reception to this plan. He had taken the average costs of suits before actually beginning the work at 200*l.*, and he proposed to have 5*s.* substituted for 200*l.* In addition to the entire saving of all costs up to the decree, a large saving would also be effected in the subsequent costs, as in further directions, petitions during progress of inquiry, supplemental and revivor suits, from deaths and other abatements, &c. He wanted now to show their Lordships what the effect of this measure would be, by giving them an illustration from the Master's Office, and by taking for the purpose three actual suits, and comparing the admirable manner with which the Winding-up Act had been found to work, with the practice under the present system—the proceedings under the Winding-up Act being precisely similar to the proceedings that would take place under this proposed

Bill. The noble and learned Lord then read to the House the following examples of the costs in administration suits:—In “*Say v. Creed*,” which was an amicable suit, yet took three years and a half to complete, the costs to the hearing were 150*l.* 4*s.* 7*d.*; and subsequent to it, 647*l.*; forming a total of 797*l.* 4*s.* 7*d.* In “*Rainnult v. Gillow*,” which was also an amicable suit, and took four years to complete, the costs to the hearing were 300*l.*, and subsequent 1,400*l.*; the sale of the estates was 600*l.*, making a total of 2,300*l.*, or 1,700*l.* independent of the sale of the estates. These costs were occasioned by constant petitions to the Court; but all this would in future be done by the Master at once. In the case of “*Clarke v. Clarke*,” which was a hostile suit, and took six years before it was completed, the costs to the hearing were 150*l.*, and the subsequent costs of proceeding against a fraudulent executor for an account were 900*l.*; making a total of 1,050*l.* In the case of “*Gateley v. Carter*,” which was an amicable suit, and in which there was only one defendant, the costs to the hearing were 80*l.*, and the subsequent costs 390*l.*, making a total of 470*l.* An anonymous case, which was a hostile suit, had already taken up fifteen years, and was yet unfinished. The Bill was filed by a creditor against an executor and others, for 1,000*l.*, on an estate worth 20,000*l.*, devised among four families. There had been three supplemental bills and three bills of revivor in the course of the suit. The cost of getting before the Master in all the suits exceeded 1,500*l.* By giving a power to proceed as under the Winding-up Act, notwithstanding deaths, the suit would have been finished in a year, at one-third the cost of merely getting into the Master's Office. The ceremony of going through the Court afforded no protection whatever. When parties preferred going at once to the Master, it was most oppressive to force them to pay 100*l.* to 300*l.* for an order which no court could refuse to make. Under this Act, if any party should object, he might file a bill. If any objection should be taken to the primary jurisdiction, that it was trusting too much to the Master, the answer was, that under the Winding-up Act he now adjudicated on larger sums and on more difficult questions than generally went before the Court itself, and in one-tenth of the time. He would now show to their Lordships the effects of the Winding-up Act on a great concern, and

the value of applying its machinery to other cases. A banking company was sent in Michaelmas term, 1848, into the Court, under a winding-up order. The debts and liabilities investigated and found before Christmas amounted to 522,348*l.* 10*s.* 9*d.*; on the 10th of April, 1849, by sums paid off, the debts were reduced to 272,088*l.* 6*s.* 9*d.*; and on the 31st of December, 1849, to 173,777*l.* 17*s.* 6*d.* Thus, in fourteen months, this vast amount of debts, claims, and liabilities, affecting nearly 600 persons, had been examined and adjudicated upon; some appeals had been heard and decided, and the concern cleared to the extent of 348,570*l.* out of 522,348*l.*; and of the remainder nearly half was now disposed of, and the whole would probably be finished in a few months. This case, supposing it could have been worked as a partnership suit in the common way, would have lasted a century at least in the court, and have cost 100,000*l.* But it could never have been worked, for he could give an instance and a proof of what he said. In the case of “*Walworth v. Holt*”—“*The Imperial Banking Company*,” a suit was instituted in 1840, was heard before the Lord Chancellor, and further proceeding was found impracticable. A private Act was obtained, at great expense, to enable the court to appoint a receiver, who was, however, neither to make calls nor to distribute assets. The receiver collected and kept the assets, which neither he nor the Court could distribute. On the 18th of January, 1850, an order was made under the new Act for the Master to wind up the concern. He had already taken an account, and ascertained the debts to be 110,000*l.*, and the affair would be wound up in a few months. The noble and learned Lord, after giving another instance of the favourable working of the Winding-up Act, declared that he thought that he had now made out an irresistible case for extending the beneficial consequences of the admirable system contained in it. If it were said that all which he required might be done by order under the 3rd and 4th of Victoria, c. 94 (the Five Years Act), the answer was that nothing but an Act of Parliament could enable the Master to examine parties *viva voce*, or make a proceeding of this kind *lis pendens*, or bind estates without waiting for ecclesiastical administration in the present form, or make infants wards of court, or give the force of the Queen's writ or subpoena under



the Great Seal to any other process, or stay creditors suing at law after administration had begun, or enable the Court or Master to make solicitors personally pay costs. He likewise contended that the expense of any such scheme as sending parties to the Master by an order of Court on affidavit, would be as great as on a petition, and nearly as great as on a Bill. Above all, he insisted that a grave and important change like this—by far the largest practical reform ever attempted in Chancery—ought to have the importance, publicity, and indisputable force of an Act of Parliament. There was one point on which he had already touched, and on which he was desirous to give some further explanation. The solicitor, he had told their Lordships, was to be paid by the job; and the reason was, that the solicitor was now paid on an absurd and vicious system. No one knew that better than his noble and learned Friend on the woolsack (Lord Langdale), and no one had worked harder to remove it. A man who brought to the service of his client talent, skill, and indefatigable industry, obtained by an expensive education and matured by long experience, ought to be properly and liberally remunerated. Now, the vicious nature of the principle on which payment was made to him was this, that he was not allowed by the rules of the courts to make charges except in a particular manner. He knew more about the charges made in the courts of common law than he did about those made in the courts of equity; but, certainly, it did appear to him that the charges in the latter were more absurd than those in the former. Because a solicitor could not charge for certain exertions of his skill and labour, he was compelled, in order that he might exist by his profession, to subject his client to many tedious and dilatory processes, which were not only expensive but also very dangerous to that client, as they exposed him to the risk of being turned round by the Court, or by a skilful or it might be an unscrupulous adversary. From all such processes the suitor ought to be relieved, as they were of no use, but of considerable detriment to him, the suitor. Of the absurdity of the system which allowed some and prevented other charges from being made, the noble and learned Lord gave some amusing instances. They were not allowed to charge the money they advanced to get up evidence for their clients—that evidence upon which perhaps the whole *fortune of the suit depended*. Formerly

they were allowed nothing for their attendance on consultations, than which nothing could be more useful for the progress of a cause, or for the avoidance of blunders in its management. That rule, he believed, was altered now, and he was glad of it; but formerly no Master could allow such a charge in the taxation of a bill of costs. What was the consequence of all this shortsighted inquiry? The attorney, to pay himself adequately, was compelled to draw up a long brief, to the damnification of his client in every way. First, his counsel received a long and confused, instead of a terse and intelligible brief, and, having to wade through such a brief, was to be paid proportionably. The engrossing clerks were also to be paid for copying the useless briefs; and he verily believed that, in some cases, three counsel had been employed when two would have sufficed, in order that the profits of a third brief might accrue to the solicitor. Now, it was for the interest of the attorney that his client should be put to as much expense as possible, and it was for the interest of the client that he should be put to as little. His object was, that his suit should be disposed of as speedily as possible, because the greater delay the greater was the expense, which the client must pay out of his own pocket. His relative, Master Brougham, advised that a reasonable sum should be paid to the solicitor, proportioned to the interest and the difficulty of the business which he had to transact. On that principle his learned relative was prepared to stand; and, for his own part, he (Lord Brougham) must say that he entirely concurred in its justice. There had been a great improvement made in the system of charges by a Bill which he had himself introduced some years ago. By that Bill the Taxing Master was directed to have regard to the skill and labour which the case required, and to the difficulty and importance of the work done. That rule was now enforced in the Leases Bill, brought in about two years ago; and he trusted that it would be extended to the case of all agreements and deeds. He had now gone through the principal details of his present Bill at some length; but, as the Bill was of great importance, he did not think it necessary to apologise for his prolixity. He admitted that many parts of it might be carried into effect by order; but how much must, and how much ought to be done by the Bill, their Lordships would be able to judge better when the Bill had

been circulated for five or six weeks in the town and the country. His noble and learned Friend on the woolsack and himself knew that though a more respectable and intelligent body of men than the great body of solicitors and attorneys did not exist, there were some black sheep in the fold; and every now and then the Court, in spite of the exalted eminence from which it beheld them, could detect a dark tinge in their fleeces. How much more clearly was the Master, who stood in no such exalted position, enabled to discern that the suit was brought into court and protracted by the malversation of the solicitor, or even that it should never have been brought at all, or, if brought, should have been speedily disposed of? Soon the client saw and felt the same truth too. At present there was no power to mulct the actual wrongdoer; but there was power to mulct his unhappy client, who was already suffering under the gross wrongs of his malversation. He proposed to give power to the Master to mulct any solicitor guilty of such malversation as that which he had described, and to the solicitor to appeal to the Court for the reversal of the Master's order. From his experience both as a judge and an advocate he called on their Lordships to vest in the Master the power of throwing the burden of costs on the actual wrongdoer, by whom they were unnecessarily incurred, and to save that man's client, an innocent party, from the effects of his wrongdoing. In conclusion, he had to state that he would be the first to receive, and most anxiously to consider, any suggestions that might be thrown out either in the House or out of it, with regard to any part of the Bill. The noble Lord then moved the second reading of the Bill.

LORD LANGDALE: My Lords, I own that it would have been satisfactory to me if my noble and learned Friend had thought it consistent with his duty to comply with the request which I made to him, to postpone his Motion for the second reading of this Bill, until the Lord Chancellor could attend; but I regret it the less in consequence of his saying that his object on this occasion is only to explain the nature of his measure, and not at all to preclude the most ample discussion of its principle and details hereafter.

If my noble and learned Friend has supposed that I entirely concur in the whole of the present Bill, he is under a mistake. There are several things in it of which I

do not approve, and the consideration of which I shall postpone; but if the principle and object of this Bill be to diminish the expense and delay of suits in Chancery to the utmost extent which is practicable, consistently with justice and the caution absolutely necessary for the due administration of justice, I have no hesitation in saying that the Bill deserves the most serious consideration of your Lordships, and is entitled to my humble and very cordial support. No object can be more desirable.

Perhaps the first question is, whether, having regard to the powers now vested in the Lord Chancellor, it is necessary to have an Act of Parliament at all. It is quite incorrect to say that no improvements have been made under those powers; and my noble and learned Friend appears to me not sufficiently to appreciate either the value of the powers which on his proposition were conferred by Parliament, or the great inconveniences which are apt to arise, if they do not necessarily arise, from attempts to regulate the practice of Courts of Justice, by enactments rather than by orders.

It is to be remembered that orders and rules for the regulation of practice, are in their nature, to a great extent, tentative and experimental. It is impossible even for the greatest skill and experience, to foresee all the contingencies which may arise, and it is of the utmost importance to have ready the means of promptly making the corrections and supplying the deficiencies which sometimes are very unexpectedly discovered.

My noble and learned Friend may recollect that the Act of Parliament to which he has referred, not only gave extensive power to make orders, but also provided that the orders when made, and after being laid before both Houses of Parliament, should, after a certain time, have the force and effect of enactments—and that it was afterwards found expedient to enact that the orders so made enactments, should for all purposes be deemed and taken to be general orders of the Court of Chancery; and it cannot, I think, be doubted that if sufficient checks be imposed, and either House of Parliament is enabled to resolve that any orders shall not have effect, it must be better that such regulation should be made by order rather than by Act of Parliament.

Nevertheless, if it should appear that as the law now stands, all which it may upon due consideration be thought desirable to do, cannot be done by order, I entirely

agree that the aid of an Act of Parliament ought to be sought.

My Lords, agreeing that proceedings in the Court of Chancery ought to be freed from expense and delay to the utmost extent that is consistent with the due administration of justice, I also agree that there are two stages of a suit in equity to which the most particular attention is required: 1. The stage which precedes the entrance into the Master's Office upon matters of account and inquiry; 2. The stage which comprises all the proceedings in the Master's Office. As to the first, I think I have good ground for hoping that very effectual improvement and relief may and will be obtained without any Act of Parliament being required. In cases where discovery—or, in other words, an answer is not required in the first instance—the case will be taken into the Master's Office almost immediately, and at very little expense. The proceedings in the Master's Office are attended with much more difficulty; but orders intended to effect the desired object are now in contemplation, and it is not impossible that some of the authorities given by the Winding-up Act may be made available. But when my noble and learned Friend compares the proceedings in the Master's Office under the Winding-up Act with the proceeding in a complicated Chancery suit, he will find on consideration that the proceeding in one will afford no means whatever of judging what can, or ought to be, the proceedings in the other, in respect either of time or expense. In Chancery suits there often exists a complication of disputed facts and conflicting interests, making it necessary to make extensive inquiries and decide difficult questions, the like of which cannot arise under the Winding-up Act. It is scarcely to be hoped, that in such cases great expense and delay can be got rid of. We ought to prevent them as much as we can; and so much of the evil as cannot be removed, ought clearly to be of such a nature that it ought to be attributed to the nature of the cases and not to the Court, which is charged with the duty of investigating them, and deciding upon them. And what we may hope to do, is to diminish greatly the expense and delay of winding up and settling mere administration suits in which no such conflict and complication exist.

I entirely agree, that in Chancery suits great difficulty arises from the mode in which solicitors are remunerated, and I should be glad if I could congratulate my

noble and learned Friend upon his having succeeded, as he seems to flatter himself that he has, in removing that evil from any legal proceedings whatever; but I am afraid that he has not succeeded. It seems easy to say that solicitors ought to be paid according to the skill and labour which they have employed; but it is not easy to provide competent judges of the skill and labour, or to establish satisfactory rules for the guidance of such judges. Yet without these competent judges, and satisfactory rules, a direction to pay according to skill and labour is of no value. Certainly the solicitors ought to be well rewarded—so rewarded as to give the suitors a right to expect that they may find the profession well supplied with men of learning, talent, and honour; and further, rewarded in a manner that is consistent with candour and truth.

They are, as I believe, not excessively paid at this time. I do not expect much, if any, relief to the suitor from any proper diminution of the payments (which are on the whole) made to their professional agents. But the mode in which they are remunerated is extremely objectionable. Their charges are made to depend on the number of steps taken in a cause, and on the length of the copies they have to provide of documents and papers. They have in this way a direct interest to increase the number of steps in the cause, and to increase the length of all documents of which copies are required. It is surprising, and highly to the honour of the profession, that a system so faulty, and containing such temptations to do wrong, should not have led to much greater evil than it has done. In the changes which have inevitably taken place in practice, it has in process of time resulted in a system in which sometimes they are most inadequately, or perhaps not at all, paid for very valuable services actually rendered to their clients; and at other times they are allowed, and in a manner compelled, to make charges for services merely nominal, and not at all rendered. It is not because I think them even under this system too much paid on the whole, but because I think the system productive of much evil in many other ways, that I have never lost what I thought a proper opportunity of stating my opinion upon it. The solicitors themselves, I believe, are generally agreed in thinking the system very bad, but no remedy has been discovered; and the only suggestion which has reached me, is to give the solicitor a

percentage upon the sum recovered in the suit. But a suit for the recovery of 100*l.*, may often, from the nature of the inquiries to be made, and of the questions to be decided, cost much more time and trouble, and occasion far more expense, than a suit for a thousand times the amount, in which it is not necessary to make such inquiries, or decide such questions; and it would therefore not be just to adopt a suggestion, the effect of which would be, unreasonably to throw the cost of expensive suits for small sums, upon the suitors in cheap suits for large sums. Knowing the difficulty and importance of this subject, I think that my noble and learned Friend has rendered a public service by bringing it under the consideration of your Lordships.

My Lords, I understand that my noble and learned Friend does not desire that the progress to be made in this Bill by giving it a second reading, should in any way impede the making and publication of the orders which are now under the consideration of the Lord Chancellor.

LORD BROUGHAM: Certainly not. Those orders may make a great part—perhaps even the whole—of this Bill unnecessary.

LORD LANGDALE: So understanding it, and that, if necessary, a full discussion of the Bill may hereafter take place, I am ready to assent to the second reading.

Bill read 2<sup>a</sup> and committed to a Committee of the whole House on Monday the 6th May.

House adjourned to Thursday the 11th of April.

## HOUSE OF COMMONS,

*Monday, March 25, 1850.*

MINUTES.] PUBLIC BILLS.—2<sup>o</sup> Exchequer Bills (9,200,000).

*Reported.* — Chief Justices' Salaries; Brick Duties.

3<sup>o</sup> School Districts Contributions; Pirates (Head Money) Repeal.

### RAILWAY BILLS—PREFERENCE SHARES.

MR. LABOUCHERE said, that the House the other evening unanimously expressed a strong opinion that railway companies ought not to be allowed to alter the terms on which preference shares were granted under the guarantee of an Act of Parliament, and that to come back to Parliament and ask leave to depart from those terms was in point of fact a breach of

faith. Several Bills having that object in view had excited a strong feeling in the country, and it was considered desirable that the House itself should reject provisions which so manifestly violated all the principles of justice. He proposed, therefore, that the House should direct its Committees as a general rule not to interfere with those preference shares. At the same time, there might be cases where the interests of the owners of preference shares themselves might warrant the Committee in departing from the general rule. He should require in those cases that it should be incumbent on the Committee to state to the House the special reasons for so departing from the general rule. The right hon. Gentleman then moved the following Resolutions:—

“ That in every Railway Bill by which it is proposed to authorise a Company to grant any preference or priority in the payment of interest or dividends on any shares or stock, there be inserted a Clause providing that the granting of such preference or priority shall not prejudice or affect any preference or priority of interest or dividend which shall have been granted by the Company by or in pursuance of any previous Act; unless the Committee on the Bill shall report that such provision ought not to be required, with the reasons on which their opinion is founded.

“ That no Railway Company shall be authorised to alter the terms of any preference or priority of interest or dividend which shall have been granted by such Company under any previous Act, unless the Committee on the Bill report that such alteration ought to be allowed, with the reasons on which their opinion is founded.”

MR. COWAN seconded the Motion, and stated that the only object which the directors of the Caledonian and Edinburgh and Glasgow Amalgamation Railway had in view in introducing the Bill, to which he presumed the right hon. Gentleman had referred, was that of consolidating the interests of the shareholders.

COLONEL SIBTHORP approved the resolutions, and expressed a wish that the right hon. Gentleman would introduce a clause into all Railway Bills prohibiting the companies from increasing their fares.

MR. LABOUCHERE said, the question as to the increasing of fares had already been referred to the Railway Commissioners.

MR. E. B. DENISON hoped that great watchfulness would be exercised over any special reports of Committees on the subject of departing from the general rule to be established as to preference shares, otherwise it was possible great disadvantages might result to certain companies, and proportionate benefit accrue to others.



MR. GLADSTONE had no objection to the specific clauses proposed by the right hon. Gentleman the President of the Board of Trade, but there was a point connected with this subject which appeared to him to be a matter of considerable difficulty, and at the same time of such great importance as hardly to be fit to be referred to the consideration of a private Committee, unless assisted by some general rule of the House in regard to it. He would suppose a case, that where a company like that of the York, Newcastle, and Berwick Railway had contracted—as was the case—with a company like that of the Great North of England to purchase its line, and that under altered circumstances the York, Newcastle, and Berwick Company came to the Great North of England to ask for a modification of the terms, and that the latter company held a meeting and agreed to such a modification; and that the York, Newcastle, and Berwick Company then brought in a Bill—as they had done—to give effect to such altered terms—now, in this case, he wished to know how the rights of the dissenting minority of the Great North of England Company ought to be dealt with? It was difficult to say whether Parliament, in passing such an Act, ratified the contract on behalf of only one part of the selling body, namely, those who consented to the contract, or on behalf of the whole. This was a point, nevertheless, of great public importance, and one upon which he did not think a Committee of the House would be justified in forming a decision without some previous general declaration on the part of the House.

MR. LABOUCHERE said, that without expressing any decisive opinion at this moment on the point, his first impression was that the cases referred to by the right hon. Gentleman involved so many various interests, that it would be difficult for the House to lay down any general rule upon the subject.

Resolutions agreed to.

#### OATH OF SUPREMACY.

SIR J. GRAHAM presented a petition, which he expressed a wish to present in the presence of the noble Lord at the head of the Government, from two Peers, the Earl of Bradford and the Earl of Clancarty. The petitioners stated that they were entitled to seats in the House of Lords; that one of them, the Earl of Clancarty, had a title to vote in the election of representative Peers in Ireland, and that they

were debarred from the exercise of their privileges by certain conscientious scruples which they entertained with respect to the oath of supremacy. The petitioners stated that they were most willing to attest their own undivided allegiance to the Sovereign of these realms in all matters civil and ecclesiastical; but they objected to the form of the oath of supremacy, as containing allegations which appeared to them inconsistent, and more especially they objected to the statutable recognition of ecclesiastical power in this country other than that of the Sovereign Power of this realm, as contained in an Act recently passed for the regulation of charitable bequests in Ireland. They submitted that the form of oath of supremacy should be made more simple and unambiguous, and that it was not necessary, in their judgment, to maintain a form of words which only under peculiar circumstances would have been proper and expedient. The petitioners went on to say, that their Roman Catholic fellow-subjects having been relieved in this particular—the form to which the petitioners objected not being contained in the oaths taken by Roman Catholics—a like relief ought to be extended to them, and prayed the House to afford such relief as in its wisdom it might think fit to adopt.

#### DUTY ON BRICKS.

LORD R. GROSVENOR said, that as the Brick Duties Bill was on the paper for the evening, he wished to ask his right hon. Friend the Chancellor of the Exchequer what the Government had determined to do on the subject of drawback? He would also ask him to state at what time the brick duty would cease, because at present there was a complete stagnation in the brick trade, the brickmakers being afraid at present to proceed with their operations. He also begged to ask his right hon. Friend what the Government proposed to do with respect to contracts for the supply of bricks entered into under the idea that the duty would be charged?

The CHANCELLOR OF THE EXCHEQUER said, that with regard to the first question put to him which related to the drawback, he saw a deputation three or four days ago, and on reference to what had been the practice on the repeal of other excise duties, he found that there were only two cases in which a drawback had been allowed. The usual course had been to allow some time to elapse before

the duty was taken off, in order to enable parties to dispose of their stock, but generally there had been no drawback, and in no case had the full drawback been allowed. No new bricks could be made, so as to enter into competition with those which had paid the duty for some time, and, therefore, the brickmakers could not be prejudiced to the full extent of the duty paid on existing bricks. Of course those who would reap the principal benefit from the repeal of the excise duty were those who had been paying it hitherto; as he had been constantly told that the brickmakers did not so much complain of the amount of the duty, as of the interference of the exciseman. They had the advantage of their plant, and of a perfect knowledge of the trade, so that whatever happened, they must derive the greatest amount of benefit from the repeal of the duty. When he saw the parties to whom he had alluded on Thursday last, many of them, or at least some of them, said that it was not reasonable to expect the full amount of the drawback, and a proposal was made that the duty should not be taken off till the 1st of June, to enable the parties to dispose of their stock, and that a drawback should be allowed on the stock then in hand. Expectations were held out that by that time they would probably have disposed of half their stock in hand, and it was suggested that he (the Chancellor of the Exchequer) should allow half the amount of drawback. On considering this matter, he had come to the conclusion that an extension of the time was most undesirable, because, of course, he could not but perceive that stagnation must ensue in all those employments which depended on the brick trade, embracing not only bricklayers but carpenters and joiners, and other parties. He therefore thought it far better, admitting that some allowance should be made, to do whatever he found it necessary to do at once. He proposed to allow at once a drawback of 50 per cent on the stock in hand, and that on all bricks henceforward made, the repeal of the duty should be immediate. The duty on all existing bricks had been paid, and he proposed to take no more. The only difficulty was as to the taking of stock. He had seen the deputation before referred to on Thursday last, and on Friday and Saturday there had been made a survey of more than half the brickyards in England. Orders would go off that night for an immediate survey of the remaining yards, and every

care should be taken that not a single hour's delay should take place in ascertaining what the amount of stock in hand was. With regard to other parties, he had received several applications from parties who had already bought bricks, and who represented that persons who might build houses with untaxed bricks would have an unfair advantage over them. He was afraid that it was out of his power to afford relief to those parties, and all he proposed, therefore, was to give a drawback to the makers of bricks. An hon. Friend had put into his hands a remonstrance against an inconvenience of another kind, but for which he did not see any remedy. A gentleman had a large quantity of brick earth, for which he was paid a royalty, and he had derived the greatest benefit from the supervision of the excise officer, who kept an account of all the brick earth which was used; and he had been asked to introduce some provision in the Bill by which that computation might be still effected. He must say that it appeared to him that the benefit which this gentleman would derive from the repeal of the duty was so great that he was not entitled to receive any compensation. The last question to which he had to refer regarded contracts. He had been asked to introduce a provision into the Bill to relieve parties who had entered into contracts for bricks, as if they were to be duty-paid bricks; and he proposed, therefore, to insert a clause making an abatement in favour of contracts heretofore made to the amount of the drawback. He believed that on the whole this arrangement would meet the justice of the case.

VISCOUNT DUNCAN regretted the trouble and inconvenience to which his right hon. Friend had been exposed, and inquired whether he would have any objection to limit the amount of the window duty?

The CHANCELLOR OF THE EXCHEQUER thought that the repeal of the window duty was not so desirable as that of the duty on bricks.

LORD R. GROSVENOR said that, after hearing the statement made by his right hon. Friend, he would not press the instruction to the Committee which stood in his name on the paper.

MR. BRIGHT did not understand from the right hon. Gentleman's statement, that the drawback would be allowed to persons having bricks in their possession, but who were not the makers of them. Supposing a person to have bricks actually delivered

to him, would he be treated on the same terms as the maker of the bricks?

The CHANCELLOR OF THE EXCHEQUER said, that the same question had been put to him by an old lady, who had been buying a great number of bricks, and he had been obliged to tell her that no drawback could be allowed upon them.

Subject dropped.

#### ENCROACHMENT ON THE GREEN PARK.

VISCOUNT DUNCAN had a question to put to the right hon. Gentleman the Secretary of the Treasury, on the subject of an encroachment on the Green Park. Some discussion took place on the 1st of March, on the subject of a wall, which had been built without the knowledge of the noble proprietor, round the garden of Bridgewater House, and the right hon. Gentleman then gave him an assurance that the wall should be removed. The wall, however, had not only not been removed, but an embankment had been raised, and he wished to know whether the embankment in question was within the terms of the lease?

MR. LUSHINGTON said, that before the Secretary to the Treasury answered that question, he wished to state that his constituents would regard the completion of that structure as a very great hardship and grievance.

MR. HAYTER said, that immediately after the 1st March a communication took place between the architect of the Woods and Forests and the architect of the Earl of Ellesmere; and the architect of the Woods and Forests had been directed to prepare a report, which had not yet been presented. Not, only, however, had the wall of which complaint had been made not been proceeded with, but a great portion of it had been taken down, and it would undoubtedly be a great detriment to the public, and a great injury to the beauty of the park, if no means could be found by which the stringent provisions of the lease could be in some respects modified. If, however, they could not be modified, it would be the duty of the Commissioners of Woods and Forests to have that structure levelled. With regard to the embankment, there was nothing in the covenants of the lease which would prevent its being made.

Subject dropped.

#### THE NATIONAL GALLERY.

MR. EWART begged the noble Lord at

the head of the Government to state whether it was intended to place the collection of paintings left to the country by the late Mr. Vernon in any part of the building called the National Gallery; and whether it was intended to adhere to the intimation made by Mr. Spring Rice, when Secretary to the Treasury, to the House in the year 1834, that the part of the National Gallery now occupied by the Royal Academy was only to be retained by that body as long as it was not required for the extension of the national collection of works of art?

LORD J. RUSSELL understood the substance of the hon. Member's question to be this—whether that part of the National Gallery now occupied by the Royal Academy for the exhibition of pictures, and for the purposes of their schools, was henceforth to be appropriated to the reception of the pictures given to the nation by the late Mr. Vernon, and of others which might hereafter be given by individuals to the national collection. Taking that to be the sum of the hon. Member's question, it was his (Lord J. Russell's) duty to state in reply, that an arrangement relative to this subject had for some time been under consideration, which there was reason to expect would soon be brought to completion; and in the meantime he would, for the satisfaction of the House, state generally what were the intentions of the Government. It was the wish of the Government that the National Gallery should be devoted to the reception of works of art, at present belonging to the nation, including the pictures of the late Mr. Vernon, and any others that might be given to the country. At the same time, George III., having given the Royal Academy rooms in Somerset House, and various privileges, with a view to the founding of a national school of art in this kingdom, by means of which the Academy had been enabled to maintain schools both of sculpture and painting, it was due to the Royal Academy, as well as desirable in a national point of view, that the Academy should have it in their power to carry on their schools. The Government, therefore, did not think it right to ask the Royal Academy to give up the rooms which they possessed in the National Gallery for the reception of national works of art, without proposing that the House of Commons should grant that body a sum of money to enable them to obtain a site for a building which they might devote to the purposes to which the rooms they now occupied in the National Gallery were ap-

plied. As this arrangement could not be effected immediately, it, of course, implied that room could not, at once, be found for the Vernon collection in the National Gallery; but in the course of the present Session the Government would introduce a Bill into the House to accomplish the object at the earliest possible moment. In the meantime Marlborough House, which was recently in possession of the late Queen Dowager, had been given up to the Crown, and was destined to be the residence of the Prince of Wales; but Her Majesty had been graciously pleased to declare that for the present, and for two years to come, the pictures of the late Mr. Vernon and any others that might, within that period, be added to the national collection, should be placed in Marlborough House for the purpose of being exhibited to the public. That was a general outline of the arrangement which the House would hereafter be called upon to sanction.

#### THE NATIONAL LAND SCHEME.

MR. HENLEY called upon the hon. Member for Nottingham to state whether he intended to bring in to-morrow the Bill of which he had given notice for winding up the affairs of the Land Company with which he was connected; and also whether the Bill was to be a public or a private one?

MR. O'CONNOR said, he had given notice of his intention to bring in the Bill on the earliest possible day after Easter; he was so reported in all the newspapers, and in that sense he was understood by all the Members present on the occasion, and therefore he was astonished to find that his Motion was set down as for to-morrow in the Votes. As to whether the Bill would be a public or a private one, he would say now, as he had before said, that before he introduced it he would consult the best conveyancer, the best equity lawyer, and the best common lawyer, in order that it might be drawn systematically, and not according to his own caprice. He would bring in the Bill as soon as he could after Easter, and he hoped it would be satisfactory to the House, and beneficial to those who had invested money in the scheme.

MR. HENLEY said, the hon. Member had not informed the House whether the Bill was to be a public or a private one.

MR. O'CONNOR said, that would depend entirely on the advice he might receive from the persons whom he meant to consult. Perhaps the hon. Member, who was more expert at such matters than he

(Mr. O'Connor) was, would condescend to give his advice. [*Laughter.*] When the hon. Member interested himself so much in the affairs of others, and was able to set things right, the appeal which he had made to him ought not to have been followed by a laugh.

Subject dropped.

#### THE DUCHIES OF CORNWALL AND LANCASTER.

MR. TRELAWNY begged to move for a Committee to inquire into the management of the Duchies of Cornwall and Lancaster. His Motion had two distinct objects, public economy and private security. He claimed that the property should be managed as productively as possible, consistently with due regard to the rights of tenants. But with regard to the past, neither object had been secured, not that there had been no amelioration. He believed the inhabitants of these two Duchies were exposed to greater hardships than those of other parts of England. It was perfectly true in the county of Cornwall there had lately been some alterations, but these had not been carried nearly so far as they ought to be. Seeing that the country would at no distant day be called upon to provide an income for the Prince of Wales, it was desirable that his property in the Duchy of Cornwall should be improved to the utmost possible extent in order that a considerable fund should be accumulated by the time His Royal Highness required a separate establishment. The right was questioned, and the *Morning Chronicle* claimed for the Prince the power, if he pleased, to play "ducks and drakes" with the property, or "to spend its revenues on Christmas trees and plum-cakes"—a remarkable circumstance when it was considered who was reputed to influence the counsels of that paper. He had given notice of a Motion on this subject so long back as 1844; but in consequence of a Bill having been brought in by the right hon. Baronet the Member for Tamworth to promote the settlement of disputes between the owners of properties in these Duchies and the Government, until he saw what compromise would be made between these parties, he had deferred bringing forward his Motion. As he could not get primary evidence on this subject, he should be obliged to resort to evidence which, however, was not of so satisfactory a nature as he could wish. [The hon. Member then proceeded to read



a number of returns which he had prepared of the income derived from these Duchies, and the expense of management, and also all the lawyers' charges.] The hon. Gentleman's secondary evidence consisted partly of returns regarding the management of other Crown property, by which he showed that on 122,000 acres of forest property there had been no balance in favour of the public; that the High Meadows woods had been bought for 160,000*l.*, and had last year brought an income of only 68*l.*; that the lawyers' bills had been enormous, especially on the occasion of a certain lawsuit with Lord Churchill, which after years of litigation and an expense of many thousand pounds, ended without decision, in consequence of the death of one of the parties; and he argued that as these things occurred in the management of the other Crown property, what was likely to be the case with the Duchies, and was it not suspicious that inquiry was refused? With regard to the Motion which he submitted to the House on this subject last year, the result in one respect had been such as to induce him to bring forward the subject again; for, on his return to the country, one of the first persons he met was a gentleman who was interested in the matter, who told him that since the subject had been brought before Parliament, the officers of the Duchy, from whom formerly decent attention could not be obtained, were now more considerate. The accounts which had been laid on the table for the present year, were also somewhat more detailed, a result which he attributed to his last year's Motion, and encouraged him to continue agitating the question. Further accounts, however, ought to be furnished, and he conceived the House had a right to demand that they should be prepared in any way it pleased, because an Act of Parliament existed, providing that returns of the income and expenditure of these Duchies should be annually presented to Parliament within a month of the meeting thereof, and in such shape as the Treasury required. As ancillary to his argument, he might be allowed to allude to what occurred in 1795, when the House was applied to to pay the debts of the Prince of Wales, amounting to 161,000*l.* On that occasion, His Majesty George III. sent a message down to that House, in the course of which he said—

“Anxious as His Majesty must necessarily be to relieve the Prince of Wales from these difficul-

ties, His Majesty entertains no idea of proposing to his Parliament to make any provision for this object, otherwise than by the application of a part of the income which may be settled on the Prince; but he earnestly recommends it to the House to consider of the propriety of this proceeding for the gradual discharge of these incumbrances by appropriating and securing for a given term the revenues arising from the Duchy of Cornwall, together with a proportion of the Prince's other annual income.”

At that time direct assurances were then given by the Crown and by the Minister of the day, that the Prince would not run into debt again. But a few years elapsed when the Minister again came down with a message for the payment of the Prince's debts, which amounted to 600,000*l.*, chargeable on this revenue, but which the faithful Commons again paid. It might be said there was no probability of anything of this kind occurring again, but it was the duty of that House to provide against the possibility of any charge of the kind being made on the revenue of the Duchy. In these days of economy, the House would be wanting in duty to the public, if it did not prevent the recurrence of such a proceeding. It might be said that the public had no interest in the matter; but this was an erroneous view of the subject. The House might not be aware that formerly there were certain dues on tin, when raised, to which the Duchy had a right. These dues had been abolished, and Parliament had given compensation in lieu of a charge on the Consolidated Fund to the extent of 15,000*l.* a year and over. It was a question with him whether the Duchy would have had any considerable balance to show but for this annual windfall. The public who paid this sum had a right to know how the Prince managed his estate, as any further grant would be greater or less accordingly. The accounts of the Duchy of Lancaster were generally more systematically kept, but they exhibited an extraordinary number of minute items, many of them for as little as 1*s.* and 1*s.* 6*d.* Why not consolidate such a property, and thus diminish the enormous expenses of agency and supervision? He found in one year there were 500 items for small sums varying from one shilling to ten shillings. It was obvious that no estate managed in such a way could be conducted in a satisfactory manner; and it was the duty of the Government to bring in a Bill to enable the Crown to get rid of all these small charges in the shape of rent charges. Such a course would be infinitely better for both the

Crown and the public hereafter. The property of the Duchy of Lancaster was scattered over not less than twenty-one counties, and it was impossible that it could be properly managed. He complained, also, that the officers of the Duchy refused to give information as to this property, beyond what was strictly stated in their annual report. He was happy to find that the Government had ordered Mr. Anderson, the able and intelligent accountant, to examine into the accounts of the Woods and Forests, who had shown how irregularly they had been kept; so much so that the accounts had not been regularly made up for five years, and the utmost confusion was the consequence. He (Mr. Trelawny) had no doubt a similar result would take place, if a similar investigation was made into the accounts of the Duchies. He had been informed that recent sales of property belonging to the Duchies had taken place at Dorchester, Exeter, Kennington, and other places; but no account of these sales was given in the report, nor was any information furnished as to the terms which were obtained. He did not mean to say that there was anything dishonest in these proceedings; but he thought the House was justified in calling for an explanation, and requiring the details to be furnished to it. He had to complain that in two years 20,000*l.* had been wasted on Tywaruhaile mines, on pretence, he supposed, of kindness to the rural population—a pretence very inconsistent with the charge against the Duchy in the letters of the *Morning Chronicle* Commissioner, with regard to the Duchy's treatment of poor cottagers. Farther, he complained that there still remained a want of complete security of title in districts where the Duchy had property. In ten counties in England there were parcels of this property which lay scattered in every direction, and the alleged rights of the Duke were a trap to unwary purchasers. It was successfully contended that the *nullum tempus* Act was not applicable to Duchy property, and till the Act of 1844 nobody was safe; but even that Act was partial and insufficient. Before that Act the payment of 4*d.* a year to King John was deemed sufficient to shake the firmest title as against the Duchy; and even now in any county but Cornwall it would do so, and, as to Cornwall, it would still do so, in the case of estuaries, royalties, and franchises. Under these words the Duchy were claiming wrecks and arms

of the sea. Lord Coke called the Duchy “a great mystery,” and a great mystery they seemed determined it should remain. The rating of minerals was a point he had noticed in his resolution. The House might not be aware that the reservation of dues in money saved them from being rateable, so that miners might be attracted to a district, and be made chargeable on the property there; and then the mine might fail, and have contributed nothing to the support of the population it had fostered. He had heard the Duchy had so reserved their dues. If so, it was their right to do so, no doubt; but it was again not very consistent with their vaunted interest in the state of the poor. The right of Parliament to interfere could not be pretended, considering the numerous instances in which Acts of Parliament had been passed directly interfering, and even compelling the annual returns of the state of the income and expenditure in such form as the Treasury required. The Treasury was therefore responsible for any mismanagement; and, if so, how could it be said that it was not the duty of the House, to whom the Treasury was responsible, to insist on full attention being paid to these matters. Again, he had to complain, that before 1844 the officers of the Duchy had neglected to hold assessionable courts for the renewal of leases, which had occasioned great dissatisfaction. These were courts existing from time immemorial, and it was only at these that transferences of property could take place. The neglect to hold these was a breach of implied faith to tenants. However, he merely mentioned that as indicative of the past spirit of Duchy management. But he had a more serious charge to make. He held in his hand a letter from a Cornish magistrate, of high character and station, distinctly charging the Duchy with having refused to fill up leases with new lives, which had from the earliest times been the custom in the property, and on the faith of which improvements had been made—which would now be lost. This was *prima facie* a gross case, and at least demanded explanation. There were many matters connected with the Duchy of Cornwall which required consideration, and with which the House ought to deal, and he hoped the House would grant the inquiry for which he moved: on every ground, public and private, it ought to be conceded.

Motion made, and Question put—

“ That a Select Committee be appointed, to in-

quire to what extent the public are entitled to claim an interest, present or prospective, in the management of the Duchies of Cornwall and Lancaster, with respect to which Returns are annually made to this House; and, with regard to the Duchy of Cornwall in particular, to inquire where its accumulations are invested; who is the heir of personal estate to the Prince of Wales; whether Duchy dues from mines are reserved in minerals or money, and whether they are rated to the poor; whether mines are directly worked by the Duchy officers; what number of claims to estates have been made and not sustained during the last six years; whether there is any good reason for the direct exception of certain kinds of property in the Duchy Act of 1844 (such as royalties, franchises, and estuaries), from the statutory provision for the quiet of titles, now applied to Crown property, to private property, and most descriptions of Duchy property; and, lastly, whether the management of the Duchy estate has been satisfactory as regards the public, fair as regards its own tenants, or productive of improvement in the state of the rural population."

The SOLICITOR GENERAL, in resisting the Motion, trusted to be able to convince the House that there was no ground for granting a Committee of Inquiry into the management of this property. The grounds alleged by the hon. Member for Tavistock for his Motion, were that the property was mismanaged, that it was managed so as to injure the public, and that acts of oppression were exercised under the mode in which it was managed. It was manifest that the House had no right to inquire into the management of any property unless it was of a public character. They had no right to inquire into the management of property purely of a private nature, and the hon. Gentleman himself had admitted that this property was *prima facie* strictly private. The original grant was by Edward III. to the Black Prince; it was not connected with the Crown in any way, except during a time when there was no heir-apparent; but as soon as one was born the property vested in him entirely, save that he could not dispose absolutely of the fee-simple. The heir-apparent was born Duke of Cornwall, and he had complete power of disposing of the revenues of the Duchy, from his birth till his accession to the Throne, exactly as he might think fit. He (the Solicitor General) could not therefore see the distinction between this case and that of any other private property, except that it was held in this instance by a personage of the most exalted rank, save one, in this country. The case was strictly one of property belonging to an individual in his private, and not in any public capacity. The hon. Member, in justification of his proposal for

inquiry, had contended that in the Act of the 1st and 2nd of the Queen, there was a clause directing the accounts of the Duchy to be annually submitted to the Commissioners of the Treasury. But it might be very proper for Parliament to provide for the security and preservation of the property of the heir-apparent; but that Act did not make the property public property, or impress upon it a character which should impart to the public any concern in it. They could only have the right to inquire into the disposal of any revenues in which the public was directly interested. The hon. Gentleman had argued that when the Prince of Wales became of age it was a matter of considerable moment to know what were his private sources of revenue. The mere contingent possibility that the Prince of Wales might ask an allowance to be paid out of the taxes, did not confer a right on Parliament to inquire how he managed or applied his private property. It did not appear that the property had been mismanaged. The salaries for six years previous to Her Majesty's accession amounted to 8,677*l.*; they were now 2,500*l.* Savings had been effected to the extent of 10,672*l.*; but, making allowance for superannuations, the reduction might be estimated at 8,126*l.* The returns from the property had progressively increased, and had amounted to 22,000*l.* a year since the management had been transferred to the Council. In the absence of any specific charges, it was sufficient to show the great decrease which had taken place in the expenditure, the reasons why that expense should be incurred, and the improvements which had taken place. With respect to a diminution of stock from 600*l.* to 800*l.*, it had been directed when the Assessionable Manors Act was passed, that certain stocks should be applied to defray the expenses. To prevent the accumulation of water, it had been thought advisable to work certain mines till the price of copper and other circumstances should allow the property to be let again. That had been done for two years. The House would bear in mind that the property was now managed by a council, who conducted the affairs of the Duchy with great care and attention, and who were well acquainted with the subject; and although the charges might appear considerable, it must be remembered that the nature of the property was peculiar, consisting of small portions, scattered over a great number of places. It might be desirable or not, that the property should be

otherwise situated; but there were no means of altering it, and the hon. Gentleman did not propose to do so, but merely to inquire into the mode of management; and he (the Solicitor General) had shown how it was managed, and that the amount of charges for managing had of late considerably diminished. As to the improvement of the property, a considerable amount had during the last few years accrued from fines, and the granting of a number of new lives, and for a period of many years the property had increased in that respect. In 1750 the amount received for fines was about 9,000*l.*, but during the reign of George IV. the sum had risen to 19,000*l.*, and during the reign of William IV. the sum of 32,000*l.* was produced by fines. These facts proved that a very great improvement had taken place in the property, while, at the same time, he had shown that there had been a great decrease in the expenditure. The hon. Gentleman stated that oppressions were practised in the management of the property. Now, as he had before said, this property was not public, but absolutely private; but if it were so managed as injuriously to affect the property in a legal or illegal way, it might be a fair subject for the House to inquire into, with a view to protect the property; but the hon. Gentleman was bound to specify what those acts of oppression were, and to be prepared with the details. As regarded the persons who had advanced money on improvements, and on the lives failing were unable to obtain a renewal, the House very well knew that that was an every day occurrence in the case of renewable leaseholds, and he thought they would be hardly induced to institute an inquiry upon the complaint of a tenant that had been ill-treated by the exercise of his landlord's undeniable right of not renewing a lease. This was a case which it appeared to him must be left to the working of the law, or else leave must be moved for to bring in a Bill for the alteration of the law. The hon. Member did not do that, but merely moved for inquiry, saying that he had abundant evidence to produce before a Committee. But that would not do. It was necessary for him to specify the particular grounds upon which he meant to rely in order that the House might judge whether it was a case for inquiry or not. He confidently submitted to the House, therefore, that this Committee ought not to be granted, because the property in question was absolutely

private property, and managed for a private individual, although one of exalted position; and because the fact of accounts being laid before the Treasury and Parliament did not take it out of the category of private property. If the House considered the circumstances of the case they would find that the property was really well managed, and that there was nothing before them to warrant a suspicion that this was a case for inquiry.

MR. BOUVERIE said, that the question was of a double character—first, the right of making the inquiry, and secondly, the expediency of making it. He had heard the remarks of the hon. and learned Solicitor General with great surprise upon this being private property, into which the House had no right to inquire. Why, if there was any one property in the whole country of a character to justify a public inquiry, it was the property of the Duchy of Cornwall. It had been created by Act of Parliament; it had been constantly dealt with by Act of Parliament; and it was now under the management of trustees created by Act of Parliament. His hon. and learned Friend must know full well that this was not a matter of doubt or dispute—that the grant by Edward III. which constituted the Duchy of Cornwall was an Act of Parliament, and could only stand as an Act of Parliament. But not only had the property been created by Act of Parliament, but it had been constantly dealt with by Act of Parliament. At the time of the establishment of Queen Anne's civil list it was expressly assigned by statute to the Crown for the maintenance of its honour and dignity; and it had been specified in subsequent civil lists, either in terms or specially excepted, but excepted by name—thus showing the right of Parliament and the public to take a direct interest in it. If, as he earnestly hoped, the Prince of Wales should come to man's estate, the House of Commons would be asked to make provision for him. This Duchy was an appanage of the Prince of Wales, given to him by Act of Parliament, and to which he had no right but by Act of Parliament; and it was therefore a very material public question in what manner the property was managed, and how the revenues were disposed of, for it might be that the property was so valuable, and the revenues so growing and productive, that in the course of some fifteen years the produce, if discreetly managed, might yield so large an in-



come as to render it unnecessary for Parliament to make further provision for the Prince of Wales. He might add, on this subject, that besides the returns being annually laid before Parliament, the office of the Duchy of Cornwall was a public office in Somerset House, for which no rent was paid. Under such circumstances, it could not, he thought, be justly contended that this property was in the same position as private property. At all events, he should like to know what difference there was between the right of Parliament to deal with the inheritance to the Crown lands, which were under public management, and with the property of the Duchy of Cornwall. It stood peculiarly in the position of a property belonging to the public, into which the public was entitled to inquire. What then was the case for inquiry? The truth was, it was rather a difficult matter to make out the case, for the materials were not laid before them; but there were strong grounds for supposing the management would not be found so creditable if the light of public investigation were thrown upon it. He had before him the accounts, and an abstract of the returns of the Duchy of Cornwall laid before the House for the last eight years, from which it appeared to him that the trustees had been doing that which they had no legal power whatever to do. He found by the last account that 4,333*l.* 1*s.* 4*d.* had been received in repayment of balance of advances previously made from the revenues of His Royal Highness to the corpus of the estate, for the expenses of the Assessionable Manors Commission. The Duchy Act gave the trustees power to appropriate the revenue to the general purposes of that Act, or to apply money arising from sales and exchanges to pay certain expenses therein specified; but, he contended, that the trustees, when they once had made advances out of revenue, had no legal power to recoup themselves out of the inheritance. Then he found the following entry among the expenditure:—

“Payment to the account of the Duke of Cornwall at the Bank of England, under the Act 7 and 8 Vict., c. 65, of a portion previously paid to the revenue account of His Royal Highness, of the purchase-money for the enfranchisement of copyhold property at Kennington, required by the London and South-Western Railway Company, 3,750*l.*”

What had become of the remainder? How much was the original sum? Surely, the House, to whom the account was presented *annually*, had a right to inquire into these

circumstances. He asserted, then, that upon the face of the accounts there seemed to have been transactions which did not appear to be justified by the Act of Parliament under which the power had been taken; and surely they formed a legitimate subject of inquiry. There was another subject connected with the accounts upon which no information was afforded. Credit was given for a payment of 952*l.* 12*s.* 2*d.*, “by the assignee of the lease of toll tin, for interest on money expended in the purchase of lease.” Tin toll was a sort of royalty, but no information was given respecting this transaction. It appeared that the trustees had been advancing money to some one, the purchaser of this lease, to enable him to purchase it; but they had no sort of power under the Duchy Act to do this. These were slight instances, it was true, but they showed that this great property was not managed in the same correct and accurate way that a private property well looked after would be managed. In the eight years during which the returns had been made, he found that the income had amounted to 354,000*l.*; in the same period the expenditure, on account of salaries and establishments had been 71,000*l.*; on account of law charges, surveys, &c., 22,000*l.*; making a total of 93,000*l.* for managing a total sum of 354,000*l.*—a circumstance affording an indication that there had not been a careful management on the part of the trustees. He could not tell what other inference could be drawn from the facts. One word with regard to the Duchy of Lancaster. The account of the revenue and expenditure, as laid before Parliament for that Duchy, was, he must say, even more extraordinary and unsatisfactory than that of the Duchy of Cornwall. He found from the annual return laid before Parliament, that the gross receipts had been 273,224*l.* in nine years; out of which had gone to “salaries and allowances to officers—not including receivers and agents—62,558*l.*, to “audit expenses, books, and stationery,” 32,251*l.*, law charges 14,948*l.*, while Her Majesty had only received 112,000*l.* The revenues of this Duchy were part of the Crown revenues, which Parliament had assigned to Her Majesty. That was true; but it was quite a new doctrine to bear a Whig Government, the representatives of Burke and Fox, contend that Parliament had no right to inquire into the management of this property. Just seventy years ago, Mr. Burke brought into that House a Bill to

improve the management of the estates of the Duchy of Lancaster, and "to provide for the application of the rents thereof to the public service," and a similar Bill for the Duchy of Cornwall. Very warm discussions took place in the House of Commons on those Bills. It was then said, as at present, that the revenues were the private property of the Crown, and that it was therefore impossible the House could deal with them. But in those discussions Mr. Fox said—

"He could not help declaring, if it should be resolved that Parliament had not the right to interfere, to reform, or, if necessary, to resume the grants they had made to the Crown for public purposes, in short to see to the proper application of the money, there was at once an end to the liberties of the country; such a vote would in its consequences amount to a dissolution of the Government as modelled at the period of the Revolution."

When, then, the practical result of the management of this great property was, that an average revenue of 32,000*l.* was obtained, but that only 12,000*l.* a year found its way to Her Majesty's privy purse, it struck him there was a strong *prima facie* case for inquiry. In conclusion, he must repeat, that under these circumstances, he felt bound to vote for the Motion of his hon. Friend.

MR. W. P. WOOD, being in some degree connected with the Duchy of Lancaster, thought it his duty to make some observations with regard to the terms of the Motion, and the object it had in view. His hon. Friend the Member for Kilmarnock had contended that this property ought to be distinguished from private property on several grounds. No doubt, in one respect, it was distinguished from private property, inasmuch as, at certain periods, it might be right for Parliament to take its amount into consideration, such as at the settlement of the Civil List, or of an appanage upon the Prince of Wales. But there were no such questions now before the House; and the property of the Duchy of Lancaster was, at this moment, vested in Her Majesty for Her private use, just as in like manner the property of the Duchy of Cornwall was vested in the trustees of the Prince of Wales for his private use. It was not the mode in which a property was created, but the purpose to which it was applied, that made it belong to the public; and with regard to the property of the Duchy of Lancaster, his hon. Friend was in error if he assumed it had been created by Act of Parliament. It was originally a private property, and it had always been

kept apart from the general property of the Crown, under different Acts of Parliament. But the real question for the House to look at was, how and on whose behalf was it managed? It was not in either case managed by public commissioners or public trustees. True, the trustees were appointed by Act of Parliament; but for whom were they trustees, and to whom did they account? For the Prince of Wales, in the case of the Duchy of Cornwall, and the money was paid over to the treasurer of his Royal Highness. It was not the fact of the trustees' accounts being laid before Parliament that made them accountable to Parliament; the persons to whom they were accountable were those who were entitled to receive the money. Everybody knew the Duchy of Lancaster was the private property of Henry IV., who, when he acquired the Crown, being afraid the property would merge in that of his higher title, took care to have an Act of Parliament by which they were kept distinct. So it continued until the time of Edward IV., who declared the Duchy of Lancaster forfeited; but he kept it distinct from the possessions of the Crown, though in a somewhat different form to that in which it had been placed by Henry IV.; for he settled it upon himself and the future kings of England, to be for ever separate and distinct from the property of the Crown. If it had not been for that Act of Parliament, a question might have arisen at various periods of our history, particularly on the marriage of Philip and Mary, and the Revolution of 1688, whether the property had not passed to other owners than the Crown. The real and true point, however, was, whether, supposing the property to be grievously mismanaged, the public was wronged to the extent of one shilling. If any one was wronged, who was the person most entitled to complain? Her Majesty in one case, and the Prince of Wales in the other. In what respect had the public been wronged? Reference had been made to the amount of legal expenses of the Duchy of Lancaster. With reference to the office he had the honour to hold—that of Vice-Chancellor of the Duchy—the income of which was 600*l.* a year, he had no hesitation in saying, that unless the court was put upon a much better footing than it was at present, he would not continue to hold the office; but he hoped the Government would be induced to assist him in the endeavour, with the consent of the council,

to put the court upon a better footing. There had been presented to him a memorial signed by a large number of the solicitors of Manchester, forming the Law Association of that borough, stating their desire that the court should be continued, but requesting efficient reforms to be made in it commensurate with those already effected in the High Court of Chancery. At the present moment the court was actually behind the High Court of Chancery in point of reformation; but he hoped it would soon go beyond it, and keep pace with the projected reforms about to be extended to the Irish court, which must eventually be introduced into the English Court of Chancery. There was one particular advantage in the Lancaster Chancery Court—it had not the enormities of the Master's Office. Cases were not kept there year after year; accounts were taken *de die in diem*; and, on the whole, after some improvements, he had no doubt but that the court would work most satisfactorily to the public.

SIR R. PEELE said, that some experience in Parliamentary discussion had led him to the conclusion that he was an unwise man, who, speaking in the House of Commons, should deny the absolute right of the House to do anything it thought proper. The power of the House of Commons was very wide and expansive. In this case the question was not the abstract right, but the justice and the expediency of exercising that right—namely, of instituting certain inquiries, and doing certain things. If any one had used the expression that the House of Commons had no right to institute an inquiry, he apprehended it was meant thereby to draw a distinction between inquiry into that hereditary property of the Crown, which the Crown had assigned to the public in lieu of a certain allowance for the civil list, and into such property as that of the Duchies of Cornwall and Lancaster, which had been specially reserved by the Crown, and which continued under the exclusive management of the Crown. In the case of the Crown property assigned to the public during the endurance of the civil-list arrangement, there was clearly a right, on the part of the House to institute inquiry; for they had a direct, manifest, and present interest in swelling the revenues of such property so far as they could, and in seeing it properly administered. But the case of the property of the Duchies of Lancaster and Cornwall, especially that of Corn-

wall, stood upon a different ground. At the period when the civil list was made, those properties were reserved by the Crown, with the full assent of Parliament; the management was left to the Crown; and it would conduce much more to the good management of that property if it were left to the administration of the Crown, than if the House of Commons were to interfere with it, unless, indeed, there were clear and signal proof of a necessity for such interference. He did not mean to deny, notwithstanding the special nature of the property, that if the House had reason to believe that the revenues were applied to corrupt purposes, or were profusely squandered, or that the law expenditure was wasteful and profligate, that there would not be a case to justify the institution of an inquiry; but he positively denied that there was ground for the slightest presumption of any such abuse. He had some slight connexion with the Duchy of Cornwall, having the honour to be a trustee of his Royal Highness the Prince of Wales, for the purpose of receiving the accumulations of property invested in the funds; and he must express his firm belief that there was no property, public or private, which, speaking of late years, had been better administered. Look at the persons concerned in its management. When he saw men of such eminence as Mr. Pemberton Leigh, and other gentlemen of high character and station, willing to devote their services to the administration of the affairs of the Duchies, he must deprecate an inquiry that would infallibly tend to prevent the Crown from having the invaluable services of men of such eminent station. What were the facts with regard to the Duchy of Cornwall? No doubt, during the last reign, there had been instances of very high salaries; no doubt there were persons holding Parliamentary office connected with the Duchy. The hon. Gentleman the Member for Tavistock had shown that during the reign of William IV., the charge for salaries was 8,677*l.*; but the present charge for salaries was only 2,500*l.* The law expenses averaged, for nine years ending in 1840, 4,100*l.*; but they were now conducted with far greater economy. The greater part of the law business connected with the Duchy, under a recent arrangement, was done in the Duchy Office; and the charge incurred for 1849, in respect to solicitors' bills, and law officers, had not amounted to

more than 37l. An increase had certainly taken place in respect to superannuation allowances; but they had been granted for the express purpose of diminishing the number of officers, and retaining only those who *bond fide* were concerned in the administration of the Duchy. Complaints, it was true, had been made of hardship with regard to leases. In former periods, he believed, the Crown properties were regarded as a sort of public domain on which all might safely trespass; every one took what he could get. The convenient doctrine was, that "the Crown must be liberal," and "the Crown must deal with great indulgence and forbearance to all claimants." A different system was now acted upon. It was now thought desirable to make the most of the Crown property. Instead of granting leases on small rents and extravagant fines, the full annual value of the property leased was now realised. Of course, this change of system led to complaint; but the House would see, that if they were to administer the property justly, and diminish the future charge which the country might have to bear in making provision for the Prince of Wales upon attaining his majority, it was impossible to do this, and, at the same time, silence the complaints of those who had local interests, and had been accustomed to a very different principle of administration. The hon. Member for Tavistock had given as a reason for the inquiry, that those who made hypothetical charges ought to be satisfied. It was surely enough to have an answer for every charge that had some sort of foundation. One of the hypothetical charges rested on the allegation that some portions of the Duchy property had been sold to a railway company. If it had, he ventured to say that the whole money so received had been strictly applied to the purposes of the trust. Was there the slightest presumption of mismanagement, or the slightest ground for Parliamentary inquiry, because the Duchy of Cornwall, having property through which a railway passed, had sold what was required for the purposes of the railway, and received a sum of money in lieu? Such a charge was not even hypothetical. The hon. Gentleman had introduced a new principle of debate. His (Sir R. Peel's) noble Friend the Earl of Lincoln last year, upon a Motion of the hon. Gentleman, made a most satisfactory and convincing speech, which he (Sir R. Peel) had hoped settled the ques-

tion. The hon. Gentleman had an opportunity of replying to that speech, but he did not avail himself of it. With that the House was entirely satisfied. The whole of the arguments, repeated to-night, were refuted; the distinctions between the property of the Duchies of Cornwall and Lancaster and the other hereditary property of the Crown were clearly stated. If the hon. Gentleman had said to-night, "I will answer the speech of last year now;" this, though it might not be a very Parliamentary course, would not have been a very irrational one. But the hon. Gentleman said, "I will take a newspaper which I think deals hardly with me, and will presume that it contains the sentiments of the Earl of Lincoln, and will proceed to reply not to the speech made by Lord Lincoln, but to an article in the *Morning Chronicle*, which I will substitute for the speech. This was an example of the hypothetical charge to which the hon. Gentleman had attached importance. But he hoped the House was satisfied as to the administration of the property of the Duchy of Cornwall, and as to the total absence of any, the slightest, presumption of abuses. No property, public or private, was managed more carefully, or with a greater desire to meet every just claim of the tenants, or of those with whom the Duchy had been in contact or collision. There was no estate on which greater desire had been manifested to prevent the possibility of abuse, to abolish useless patronage, to substitute *bond fide* working men for great officers with high titles and large salaries. There was no department of the State in which there could be found greater purity of administration, greater desire to do justice, or greater economy. Under these circumstances, instead of discussing the abstract question whether the House of Commons had a right to enter into an inquiry into the affair of the Duchies, he protested altogether against its justice or its policy. They could not institute an inquiry without weakening the authority of those who were conducting these affairs with entire success. Inquiry would imply suspicion; and he hoped the House of Commons would not consent to disturb, by a needless investigation, an arrangement which was working perfectly well, and with regard to which there was not a presumption of abuse or negligence.

Mr. M. GIBSON said, the House had been told by the hon. and learned Member for Oxford that the courts of the Duchy



of Lancaster were so defective, that if they did not amend their ways he should be under the necessity of leaving them, or of coming to Parliament and asking its assistance to reform them. He thought this question very important, for he had often heard it complained that these separate jurisdictions, clashing with the laws of the realm, were very undesirable, and whenever Acts were passed dealing with particular counties, clauses were inserted in them reserving the rights of the Duchies. The effects of this state of things were often very vexatious, and not in the main favourable to the public welfare, and were therefore, he thought, fit subjects for inquiry. The fact of such powers being exercised over Her Majesty's subjects, gave the House a fair right to inquire whether any portion of the funds of the Duchies should be applied to the maintenance of those jurisdictions.

MR. HUME said, of the power of the House in this matter he had no doubt; public property was within the cognisance of Parliament on all occasions if they saw ground to make an inquiry. Twenty years ago he had brought the case of the Duchies before the House; and he could recollect the time when nearly the whole revenue was employed in paying salaries. In the management of the Duchy of Lancaster much improvement had taken place; but as there were still charges which absorbed 20,000*l.* out of 32,000*l.*, there could be no doubt that this was a very heavy amount. There was still a multiplicity of offices—receivers with 1,100*l.* a year, and the like, and all these matters should become subjects of inquiry. Many small dues were levied, of which he ventured to say the proceeds were absorbed in the expenses of collection; these were attended with very great inconvenience to the parties who paid, and with no profit to the receivers. If he could have been the adviser of the Crown on this occasion, he should have said, “by all means let the inquiry take place.” The inquiry into the management of the Woods and Forests had been productive of very great public benefit, and he thought that now proposed would also be attended with good results. There might be in the minds of some a delicacy about showing accounts; but there ought to be no delicacy; they were public accounts. The House had a right to know how the accumulating funds paid to the trustees were invested, and how they were applied. In one year those had amounted to 41,000*l.*,

in another to 12,000*l.*, in another to 7,000*l.* They knew what took place during the period of George IV.'s minority. The property of the Duchy of Cornwall, he believed, was misapplied, and never accounted for. The House ought to be vigilant that no portion of the property was misapplied, and the public had a right to know how it was applied, looking at the call that would be made upon them when the Prince of Wales came of age. He thought the Government, by consenting to lay the accounts before the House, had opened the door to any inquiry, and afforded opportunity for discussion. As an instance of the necessity there was for giving due attention to this subject, he might mention the tin duties, which formerly yielded a sum of 15,000*l.* to 16,000*l.*, and were paid by the mining proprietors of the Duchy of Cornwall. All at once he found a Bill brought in by which they had been relieved of that impost, and the amount was placed on the Consolidated Fund.

VISCOUNT DUNCAN said, as the inquiry into the management of the Woods and Forests, over which he had the honour to preside, had been alluded to, he would take that opportunity of thanking the Government for the very abundant information they had laid before the Committee. He was unable to give his assent to the Motion now submitted to the House. If anything had struck him more forcibly than another in connection with the inquiry in which he was engaged it was this, that of all the institutions in the world the House of Commons appeared to be the worst steward of the property placed under their charge. He would not inquire into the reasons why or how; but had that property been more diligently looked into, and had it been placed in pure hands, he believed they would have found much less to complain of. With respect to encroachments made on the property of the Crown, though it might have been oppressive in former times, it appeared to him that in modern times the Crown had been more sinned against by the neighbouring proprietors, than the neighbouring proprietors were sinned against by the Crown. The present resolution was drawn up in a way which might lead to the impression that the managers of the Duchy of Cornwall had been oppressive to the tenants; but he firmly believed that they had done no more than their duty to their employers, as the steward of any private estate might have done. With respect to the question

whether the mode of managing the property was fair as regarded the tenants, he thought it one which a Committee of the House should not entertain.

MR. STANFORD thought it impossible to grant the Committee, as it would be to confound the distinction between public and private property.

Question put, and negatived.

#### SUPPLY—ORDNANCE ESTIMATES.

COLONEL ANSON said, he very much regretted that he had not had an opportunity of bringing forward the Ordnance Estimates in their regular course, and that he was now obliged to have recourse to the unusual proceeding of asking the House to vote a sum of money on account, for the purpose of defraying those branches of expenditure which might come into course of payment after the close of the financial year. This was not the first time he had stated that he thought it would be very desirable that those estimates should be brought forward at an early period of the Session. He admitted that there was very great inconvenience in the delay which had taken place. It was inconvenient to the Government, to the department, and, he believed he might add, to the House. But however desirous the Government might be to get through the public business, and however anxious the department might be to have the sanction of Parliament, in order to be enabled to carry on those services placed more immediately under its control, the House must be aware that there were circumstances which the Government could not control, which might occasionally intervene to prevent business of importance being brought forward, from the time occupied by debates on other subjects, and also by measures introduced by independent Members of that House entirely unconnected with the Government. He only mentioned this to prove that the Government was not at all to blame, and that the department was not at all accountable for the delay that had taken place, and, also, that he was obliged to resort to this unusual proceeding before any general statement had been made of the services to be provided for and the expenditure to be incurred. The House was aware that no funds were available for public services, unless sums were provided by votes on account after the termination of the financial year; and as this would take place during the recess, and some accounts must be paid at that time, it would

be evident to the House that the course now adopted was unavoidable. He was as conscious as any one of the very deep interest taken by that House in matters connected with the public expenditure, and he felt he should not be doing justice to the department he represented in that House if he were to enter into any explanation of the details of these matters on the present occasion. He trusted that the House would agree in the propriety of the course he now took, and that they would give him their permission to place in the hands of the Chairman certain votes on account, amounting to about 600,000*l.* in the aggregate, to enable Her Majesty to provide for the services which would come into course of payment at the close of the financial year. He had the permission of his noble Friend at the head of the Government to say, that on the first day of supply after the recess the Ordnance Estimates would be brought forward, when ample opportunity would be afforded of discussing them. He should now place the votes in the hands of the Chairman.

On the first Vote for 60,000*l.*, on account, Ordnance Military Corps.

MR. HUME observed, that as the hon. and gallant Member had very properly reserved his general statement, and these votes were proposed merely to enable the Government to carry on the service of that department, he (Mr. Hume) would defer any observations he might wish to make on the subject until the estimates came regularly before the House.

LORD J. RUSSELL stated, in reply to Mr. B. Osborne, that on the first night after the recess the Ordnance Estimates would be placed first in Committee of Supply, and his hon. and gallant Friend the Member for South Staffordshire would enter into a full explanation.

MR. SPOONER thought this arrangement would be inconvenient; for it was desirable that these estimates should be discussed in a full House, and it was probable that for the first day or two after Parliament met many Members might be detained in the country by their duties at quarter-sessions.

LORD J. RUSSELL was ready to admit the inconvenience mentioned by the hon. Gentleman, but if he were to accede to the various requests that were made to him, much of the public time would be lost. He had postponed several measures which were to have been brought forward to-night; and if he also gave up the first

night after the recess, two would be lost, so far as important Government business was concerned.

The Vote was then agreed to, as were also the following Votes on account:—

(2.) 100,000*l.*, on account, Commissariat and Barrack Supplies.

(3.) 20,000*l.*, on account, Ordnance Office.

(4.) 60,000*l.*, on account, Ordnance Establishments.

(5.) 50,000*l.*, on account, Wages, Artificers, and Labourers.

(6.) 100,000*l.*, on account, Ordnance Stores.

(7.) 150,000*l.*, on account, Ordnance Works and Repairs.

(8.) 20,000*l.*, on account, Scientific Branch.

(9.) 40,000*l.*, on account, Non-effective Ordnance Services.

House resumed.

Resolutions to be reported To-morrow, at Twelve o'clock.

Committee to sit again on Monday 8th April.

#### CHIEF JUSTICES' SALARIES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. CHRISTOPHER said, he had intended to move an instruction to the Committee "that they have power to make provision for the prospective reduction of the salaries and emoluments of the Lord Chancellor, the Master of the Rolls, the Vice-Chancellors, the Chief Baron, and all the Puisne Judges;" but in consequence of the notice given by the noble Lord at the head of the Government of his intention to propose the appointment of a Select Committee to inquire into these subjects, he (Mr. Christopher) would not press his Motion. He wished, however, to ask the noble Lord whether, under these circumstances, he thought it advisable to press the present Bill, because if the House acquiesced in all its enactments the proposed Committee would be prevented from taking into consideration the salaries of the present Lord Chief Justice of the Queen's Bench, and of any other legal or diplomatic functionaries who might be appointed before the Committee made their report. It appeared that the Lord Chief Justice Denman had been entitled, under an Act of Parliament, to receive during the time he held that office a salary of

10,000*l.* a year. Lord Denman, however, was one who would never place his own personal interest at variance with the public good, and he willingly agreed to forego his right, and to receive a salary of 8,000*l.* a year. He (Mr. Christopher) could not conceive why the present Lord Chief Justice should not agree to some similar arrangement; and he thought that till Parliament had decided what the future remuneration of these officers should be, it would be decorous in the present Lord Chief Justice to be satisfied with the salary received by Lord Denman, subject to the future control of Parliament with regard to any alteration that might be made.

LORD J. RUSSELL said, that this seemed to him an occasion which ought not to be lost for fixing the salary of the Chief Justice of the Queen's Bench. Lord Denman took that office with an understanding that the salary should be 8,000*l.* a year; but the only record of the understanding was contained in a Treasury minute. Some time afterwards, Lord Brougham stated that he considered the principle of such an arrangement was objectionable; and he (Lord J. Russell) thought that noble Lord was right in observing that a Treasury minute, which might be revoked or altered at any time, should not be the authority for the amount of salary of the Lord Chief Justice, and that if that officer should resign, and claim the full legal salary, there should be a legal power to resist such a claim. In the case of a man of the high and unsullied integrity of Lord Denman, no practical objection to the plan which had been adopted could arise; but he thought that, in principle, Lord Brougham's objection was well founded, and the Government wished therefore to take this opportunity of making a permanent arrangement by law upon the subject. If they were to wait till the inquiries of the Committee, which might be very protracted, were completed, there would still remain to Lord Denman and his executors the legal right of claiming the full salary allowed by law from the time when that noble Lord accepted the office. He thought the House would agree that it was desirable to alter such a state of things, and he therefore took the opportunity of the appointment of a new Lord Chief Justice to introduce this Bill. He had consulted Lord Denman himself, and the present Lord Chancellor, as to the fit amount of salary; they were both of opinion that

8,000*l.* a year would be a sufficient sum, and he (Lord J. Russell) had given notice to Lord Campbell of his intention to introduce a Bill to regulate the salary at that amount. So far, therefore, Lord Campbell had had notice that 8,000*l.* a year would be the salary proposed by the Government while he held the office. The hon. Member for North Lincolnshire had suggested that persons who were appointed to offices while the Committee was sitting should take those offices subject to such reductions as might be made on the report of the Committee; and, understanding the hon. Gentleman to mean such reductions as might be made under the authority of an Act of Parliament, he (Lord J. Russell) considered that the proposal was fair and reasonable.

MR. MULLINGS thought this Bill ought not to be pressed. The noble Lord at the head of the Government had told the House that recent appointments were made subject to such reductions as Parliament, on consideration, might think just. The Bill was wholly unnecessary in order to guard against any claim on the part of Lord Denman to the 2,000*l.* a year; for the Act 2 and 3 William IV., c. 116, was simply permissive; it did not fix the salary at 10,000*l.* a year, and the agreement with Lord Denman and Lord Campbell was binding. The Act authorised the Crown to grant a salary of 10,000*l.* a year; but if any one had power to grant 10,000*l.* a year out of the estate of another, a grant of 8,000*l.* or 6,000*l.* a year would be a valid execution of the power. The law was so laid down in Sugden "On Powers." In Lord Denman's appointment, with a salary of 8,000*l.* a year attached to his office, the country had a full protection against any claim to more. But if this Bill should pass, the proposed Committee would not be likely to feel at liberty to touch salaries so recently fixed. Yet these salaries were very much larger than they ought to be. As to what was said about barristers making more at the bar, the most successful *nisi prius* advocates did not make the best Judges; these were generally secured rather by the selection of the learned but more quiet lawyers, who were often chiefly known in chamber practice. The Bill ought to be postponed till after the report of the Committee, or the returns that were to be made. He believed that the effect of the Bill would be to prevent future reductions in these salaries, and as he

thought the amount proposed to be given much too large, he was determined to divide against it in Committee, even if he were to go into the lobby alone.

The SOLICITOR GENERAL did not feel it necessary to go into the question whether the salaries of the Judges were too great or too small; this—which was not the question now—would come before the Committee. But he apprehended that the law of the hon. Member for Cirencester was not correct; it would be a national misfortune indeed if the case were as he had stated it, and were so to remain. In the instance of private individuals, a person with power to grant a sum out of the estate of another might grant a less sum; but if that rule applied under this statute, a Government could reduce the salary of any Judge who offended them; whereas the leading object of the Acts upon this subject was to make the Judges totally independent of the Crown. The 2nd and 3rd William IV. ran thus:—

"It shall be lawful for His Majesty to grant the several and respective annual salaries hereinafter specified to the Judges hereinafter enumerated—(that is to say) to the Chief Justice of the Court of King's Bench at Westminster 10,000*l.*,"

and so on. The Crown, therefore, could not appoint any Chief Justice upon condition that he should have a right to 10,000*l.* a year, and no more. This was a Parliamentary power to grant 10,000*l.* and no other salary; the words were not "a sum not exceeding 10,000*l.* a year." It was easy to say that Lord Denman or his executor would never make a claim for 2,000*l.* a year; but, suppose his will were silent upon the subject, would not the executor be personally liable if he gave up the claim? This measure, therefore, was necessary.

MR. HUME did not think the law of the hon. Gentleman opposite the Member for Cirencester correct, as the Act of Parliament said that the salary shall be 10,000*l.*; but if this Bill were necessary to prevent any possible claim that might be hereafter put forward by Lord Denman's executors, it was very easy to prevent the danger by obtaining a receipt in full from Lord Denman at present. If this were done, the Bill could be postponed, until the whole subject had been thoroughly sifted. He was glad the noble Lord had decided on appointing a Committee, and he hoped the salaries of all the Judges in the land would be referred to it. He held in his hand a return which he had



obtained in 1844, from which it appeared that no less than 402,000*l.* was paid in Judges' salaries, exclusive of the charges for retired allowances. In 1792 the Chief Justice received only 4,000*l.*, and the Puisne Judges 2,500*l.*, and it was not until 1825 that the present salary was fixed. Judges were the last persons in the country that he would place under inadequate salaries; but he believed the time had arrived when every salary in the country must be reduced. By the return to which he had just referred, it appeared that the salaries paid to retired Judges was 67,000*l.* That was paid out of what was called the suitors' fund; but that fund was as much public money as the unclaimed dividends, and he did not know why it had not been brought under the consideration of Parliament before this. He hoped the retiring allowances would be brought before the Committee. The noble Lord at the head of the Government had stated last Session that all new appointments should be subject to such reductions and alterations as might be made by the House of Commons, and therefore the noble Lord who had lately accepted the office of Lord Chief Justice was bound by that arrangement. He was satisfied that this Bill was altogether premature, and he trusted that it would not be pressed forward at this moment.

MR. V. SMITH said, he entertained no doubt but that the law of his hon. Friend the Solicitor General was perfectly correct; but in that case, what an instance of negligence did it not exhibit against the Government and all preceding Governments for the last sixteen years, because it appeared that if Lord Denman had died at any time during that period, his executors might have claimed the full amount of his salary. He considered that the salary in all such cases should be fixed, and that there ought to be no bargaining between the Government and lawyers looking for appointments. Such an arrangement could not, however, have been made with a nobler nature than Lord Denman. He thought it was premature to decide on what the salaries of future Chief Justices ought to be, until the Committee investigated the subject; and if now called upon to give a vote on the point, he felt unable to decide whether 8,000*l.* was the proper amount to give or not. He hoped that the Committee that was to be appointed would not be restricted in their inquiries to the salaries of the *Judges alone*, because there were many

salaries put upon the Consolidated Fund which ought to be upon the estimates. As he understood from his noble Friend at the head of the Government that all salaries, as the offices became vacant, would be brought under the consideration of the Committee—an announcement that had given him great satisfaction—he thought, in consistency with that arrangement, the Bill ought not to be pressed further to-night.

MR. TURNER did not think any debate should take place on the question before the House, but trusted the House would excuse his saying a few words, as he happened to differ from the hon. Gentleman the Member for Cirencester, and his hon. and learned Friend the Solicitor General. He apprehended the words of the Act had an imperative and not a discretionary application, as the hon. Gentleman the Member for Cirencester seemed to suppose, and that the Crown was most clearly bound to grant the salary mentioned by the words, "it shall be lawful," &c. With great deference to his hon. and learned Friend the Solicitor General, he differed from him as to there being any danger from the executors of Lord Denman applying for the arrears of salary. No executor would be heard in any court of justice with such a claim after Lord Denman had received his salary for so many years; and, entertaining as he did such an unqualified high opinion of the honour, honesty, and upright character of that noble Lord, he was sure that if such an idea could cross his mind as that his executors could make a claim against the country for that which he (Lord Denman) had not asked, the first thing he would do would be to insert a clause in his will to preclude them from doing so. No man's honour or character could stand higher, and he had brought the bench and the bar of England to a pitch of reputation which would carry his name down to remote posterity. He could not sit down without correcting the statement of the hon. Member for Montrose, that the Suitors' Fee Fund in Chancery was public money. That fund was the floating balance of suitors' money paid into court but not employed, and belonged as little to the public as to the hon. Gentleman's balance at his banker's. As to the proposition of the noble Lord, he was in a great dilemma. He felt there would be great difficulty in the Committee reducing the salaries of the other Judges, if the salaries of the Chief Justices were fixed by the House at the pre-

sent moment. He owned a disinclination to go on with the Bill unless the noble Lord left out so much of it as referred to the Lord Chief Justice of the Common Pleas to a future occasion.

LORD J. RUSSELL explained, that he had no objection to leave out that part of the Bill which referred to the salary of the Chief Justice of the Common Pleas, as it would properly come under the consideration of the Committee, but he did not think it would be convenient to leave the salary of the Chief Justice of the Queen's Bench on the understanding on which it had rested so many years with Lord Denman, and, therefore, must ask the House to go into Committee on that portion.

MR. HENLEY said, the question was then narrowed to the salary of the Lord Chief Justice. He never could before understand the breathless haste with which it was attempted to settle this question, that had rested quietly for the last eighteen years; but now he thought the whole matter was too transparent, the real reason being to fix the salary of 8,000*l.* to the present Lord Chief Justice. He could not see any other reason for going on with the Bill. If there was no covert motive, would it not be far more satisfactory to the noble Lord himself, as well as to the House and to the country, to find that his salary had gone through the ordeal of that Committee, which the Government admitted all other officers ought to go through? He confessed he saw no reason why the appointment of the present Lord Chief Justice was to be treated otherwise than as a prospective appointment, when the wax was hardly cold on the seal of his patent; and he would ask in what position would the other Judges of the Courts be, if the Committee were to recommend that their salaries were to be reduced, while the salary of the Lord Chief Justice was not to be touched? He should certainly vote for the postponement of the Bill.

SIR G. GREY said, the hon. Gentleman who had just sat down, seemed to be of opinion that the office of Lord Chief Justice was to be excepted altogether from the investigation of the Committee. He asked what would be the position of the other Judges if their salaries were reduced, while that of the Lord Chief Justice was unaltered? The answer to that question was, that the Lord Chief Justice would be precisely in the same position with the Chief Justice of the Common Pleas, and all the other Judges, whose salaries might be

prospectively reduced. He hoped it was clearly understood that the Committee would be required to deal, not with immediate reductions, but with prospective reductions, of all the Judges. With respect to what his hon. Friend had said of the measure resting for eighteen years, that was true; and it was only when his noble Friend at the head of the Government was called on to look into the subject, on the appointment of the present Lord Chief Justice, that he discovered the inconvenient arrangement now subsisting.

MR. BRIGHT thought the question was now brought within a very small compass. After the speeches that had been made, he was sure that the House would not believe this Bill was brought in to save the public the risk of being called upon to pay the extra 2,000*l.* a year. Neither was it brought in to save the salaries of the Chief Justice of the Common Pleas, because the noble Lord had now handed that salary over to the tender mercies of the Committee. [LORD J. RUSSELL: I brought it in for that purpose.] He would admit, for the sake of argument, that it was so; but the important object was the salary of the Lord Chief Justice. He would not now give an opinion whether that salary was too large or not large enough, and that was the reason why he objected to go on with the Bill. If this Committee was intended to be an honest and searching one, making a fair inquiry into all salaries, then it was unreasonable to exclude from their consideration, as this Bill would virtually do, the salary of the Lord Chief Justice. Imagine that the Committee were sitting, and that that salary had come before them, it would be immediately urged that that salary had been fixed by Act of Parliament so recently that the Committee need not go into it. And more than this, if the Committee were to attempt to reduce the salaries of the other Judges, the salary fixed for the Lord Chief Justice would immediately be held up as a sort of standard of emolument that would be fair to the other Judges. On all these considerations he thought that the measure ought to be postponed, and that the salary should come fairly before the Committee.

MR. E. B. DENISON said, there appeared to be some misunderstanding with respect to the intentions of the noble Lord at the head of the Government. As far as he understood the noble Lord, he proposed by this Bill to set at rest all questions with respect to Lord Denman's claims,

and at the same time settling that Lord Campbell should have, in point of fact, 8,000*l.* a year. But after that was done, he understood that the Committee would be at liberty to take up all the salaries of the Judges, and, as he understood, Lord Campbell's among the rest. ["No, no!"] He begged to say that he was offering his own humble understanding of the question; but he certainly understood that his salary would stand in the same position as the salary of the Chief Justice of the Common Pleas. The reduction would be prospective in the one case as well as the other, and no difference would be made between them by the Committee. He must say, for one, that Lord Campbell having taken his present office on the understanding that he should have 8,000*l.* a year, he would vote for the Bill.

SIR B. HALL could not suppose that the idea of a Committee had originated in the mind of the noble Lord this evening for the first time; it must have been in the mind of the Government for the last few weeks, and perhaps at the time of Lord Campbell's appointment. If so, then he thought it unfair that Lord Campbell's salary should be the only one excluded from the consideration of the Committee. They ought to have told him that while they conferred on him the appointment, his salary was to be determined by a Committee whom they intended to appoint. He thought, therefore, that the salary of Lord Campbell ought primarily to come before the Committee. They were not now dealing with the amount of the salary; but if the salary should come before the House that evening, then there was this important point to consider—that the noble Lord had not, as in the case of other Judges, resigned an important profession or lucrative emolument. He had resigned an office, no doubt, with a seat in the Cabinet, but the office itself was neither of great importance nor of high salary, and he thought that was an element to be taken into account in fixing the salary. If they did appoint this Committee, it would be found that it was empowered to inquire into the salaries of all the Judges but Lord Campbell's.

LORD J. RUSSELL said, the Committee would have as much power to inquire into his salary as into those of the Chief Baron, the Chief Justice of the Common Pleas, and all the Puisne Judges.

SIR B. HALL admitted, that might be true; but as Lord Campbell had been so

recently appointed, he contended that his salary ought to be treated as among the prospective ones that were to come before the Committee.

COLONEL SIBTHORP said, as he understood the noble Lord, all appointments made since the last Session of Parliament were to come under the consideration of the Committee. He would ask why there was such breathless haste in this Bill? He recollected that in 1841 Lord Campbell was appointed Chancellor of Ireland, which office the noble Lord filled for seventeen days and three hours, and for this the noble Lord received an outfit of 1,000*l.* He had taken the liberty since, of asking what became of these old materials, and the answer of the party was, he did not know. At that time there was a breathless haste to appoint him; and to turn out Lord Plunkett, who was unjustifiably turned out. It was a real job—a superior job; and he thought this was going to be a repetition of the same thing. He should vote for the postponement.

MR. SPOONER said, the question now came to this—was the House prepared to say that they would give Lord Campbell 8,000*l.*? He was not prepared to say so, and upon the same grounds on which, as he understood, the noble Lord proposed the appointment of a Committee. The feeling of the noble Lord was, that all great salaries ought to be reduced; the state of the country called for it, on account of the depression which was caused by their recent commercial policy. He could not understand, therefore, why they should insist on refusing to bring Lord Campbell's salary before the Committee, when it appeared that though he had been appointed to his office, yet his salary had not been fixed, for if it were fixed there would be no need for this Bill. In order that the noble Lord might have time to consider the question, and in order that the House might have time to see the returns of all the official salaries, he would move, as an Amendment, the postponement of the Committee to Friday the 12th of April.

Amendment proposed, to leave out from the word "that" to the end of the Question, in order to add the words "this House will, upon Friday the 12th day of April next, resolve itself into the said Committee," instead thereof.

MR. FORBES supported the Amendment. He thought it would be more respectful to the feelings of the country not

to press forward a measure of that kind with so much haste.

LORD J. RUSSELL said, that the House, and especially the hon. Member for North Warwickshire, did not seem to understand the present state of the question. The hon. Member for North Warwickshire said, that it was very clear there was no salary fixed at the present moment for the Lord Chief Justice, and that the Government were now coming forward with this measure to enable them to give a salary to the Lord Chief Justice of the Queen's Bench. Now the fact was, that there was a salary fixed by an Act of Parliament passed in the year 1832, and that salary was 10,000*l.* a year. Lord Denman took the office with the understanding (fixed to a certain degree by a minute of the Treasury) that instead of 10,000*l.* a year, he should receive 8,000*l.* Now he (Lord J. Russell) would omit all reference to the legal question of which his hon. and learned Friend the Solicitor General had spoken; but he thought the House generally would agree that upon Lord Denman's taking 8,000*l.*, instead of the 10,000*l.* which was fixed by Act of Parliament, that arrangement ought to have been carried into effect by another Act of Parliament eighteen years ago: and some blame had been thrown upon several successive Administrations for not having done so. However, when a vacancy occurred, it seemed to him that another arrangement of the kind ought not to be made solely upon an understanding entered into between the head of the Government and the newly-appointed Judge, but that it should be at once done by Act of Parliament; and, having proposed to do so, he (Lord J. Russell) asked the Lord Chancellor what he thought ought to be the salary of the Chief Justice of the Court of Queen's Bench. The Lord Chancellor said, he thought it should be 8,000*l.* a year, and that the Chief Justice of the Common Pleas ought to have 7,000*l.* He then asked Lord Denman's opinion upon the subject, and he likewise thought that those ought to be the salaries. And now he (Lord J. Russell) was blamed for doing the very thing which it was considered a fault in a preceding Government eighteen years ago, not to have done. It was quite true that the proposed reduction to 8,000*l.* would be a reason for the Committee not to take into consideration the salary of the present Chief Justice, and for their considering it rather as a

prospective matter; but he could not agree with the hon. Baronet the Member for Marylebone, who said, that because Lord Campbell had been appointed only two or three weeks ago, his was therefore a prospective appointment. The hon. Baronet seemed hardly to understand the difference between a retrospective act to confirm an existing appointment, and a prospective act to deal with circumstances which had not as yet arisen. He took for granted that he (Lord J. Russell) had told Lord Campbell, that he had been appointed to the office of Lord Chief Justice, and that his salary should be dependent upon the opinion of a Committee of that House; but the fact was, as he had already stated. It was true (as the hon. and gallant Member for Lincoln had said) that he (Lord J. Russell) had said last year, and this year too, that official appointments generally should be subjected to the consideration of Parliament; but he had said that that would not be an invariable rule, and more especially in the case of the Judges. For he had observed that that office could not be offered to any member of the bar if the salary were uncertain. Upon the present occasion he had stated no more than that Lord Campbell thought—and that the persons whom he had consulted on the subject thought—that the salary of the Lord Chief Justice ought to be 8,000*l.* a year, and he did not think that any Committee of the House would, under the circumstances, venture to reduce the salary of Lord Campbell. If they should think fit to recommend a prospective reduction with regard to the Chief Justiceship, and in regard also to the Chief Justiceship of the Common Pleas, and of the salary of the Chief Baron, that would be reasonable and fair; but if a Committee were to be of opinion that Lord Campbell's salary should likewise be reduced, he did not think that Parliament would sanction such a suggestion. It might really be a fault in him that he had not said to Lord Campbell that 8,000*l.* a year was the salary then attached to the office, but that a further reduction was proposed. However, the salary was as he had stated. And he thought a sufficient reason for going into Committee on the Bill was, that if they made a Chief Justice, they ought to have his salary fixed by Act of Parliament, and not by some understanding or arrangement. He thought it would be most dangerous if any Board of Treasury could send a message to the Chief Justice at any moment, and



say, at first they thought his salary ought to be 8,000*l.*, but that now the opinion was that it should be less. If such uncertainty would not absolutely affect the independence of the Judges, at least it would be very dangerous; and he, therefore, thought that the House should at once go into Committee on the Bill. Its object was to effect in regular form a reduction from 10,000*l.* to 8,000*l.*; and if any arrangement should be made by the Select Committee—if, upon a review of the whole of the salaries, they should think fit to suggest that a general reduction should be made—such arrangement should take effect prospectively as regarded the Judges, but certainly not so as to interfere with those who held the office at present.

COLONEL SIBTHORP said, that his question was directed, not as to the salary but as to the particular appointment.

LORD J. RUSSELL said, that he had stated that Lord Campbell had accepted the office upon the understanding that the salary was to be 8,000*l.* a year.

SIR B. HALL said, that he did not say the appointment was a prospective one. What he had said was, that, under all the circumstances of the case, Lord Campbell's appointment ought to be treated as a prospective appointment, because the noble Lord and the Government must have had it in contemplation to appoint the Committee for the revision of all the salaries.

MR. STANFORD, on rising to address the House, was met with cries of "Divide, divide!" I must confess, Sir, that it is rather difficult to ascertain the *mollia tempora dicendi* in this House. It would be very advantageous to have a "pathometer," or some instrument to test the amount of patience, or rather impatience of hon. Members at any given time, in order to regulate one's own course. But I must say, that this interruption by hon. Members who come down to this House to dine, or to sup, or to smoke, or to sleep, is most unfair to one who has been for hours patiently listening to an entire debate, and wishes to offer a few remarks upon the point under discussion, more especially as I never trespass at any unreasonable length upon the time of the House. I was about to observe, Sir, when thus interrupted, that if we lived in a superstitious age, the "prodigy" which we have this night witnessed would lead us to suppose that some great calamity was about to happen to *this country*. The "prodigy" is indeed

portentous, of Ministers, and they Whig Ministers, coming down to this House with a Bill for the reduction of salaries, and to be met by a clamorous demand from the Conservative side of the House for still further reduction. I hardly can imagine that I am sitting on the Conservative side; but it appears that the hon. Member for Cirencester has caught up what may not be inaptly termed, "The Legend of Montrose"—*magnum vectigal est parsimonia*. On this one string the hon. Member for Montrose, like other great artistes, has played for years with great skill, and with every possible variation. I am far from being enamoured of taxation, or averse to retrenchment. I think, indeed, that real savings, however small, are as much more beneficial to the country, compared with the gigantic "projects" of economy of the hon. Member for the West Riding, as a penny roll to a hungry man is more satisfactory than the pictorial exhibition of a large loaf. But, Sir, the hon. Member for the West Riding is a "great" man, and therefore must indulge in great views—

"He doth bestride this narrow world  
Like a colossus, and we petty men  
Walk under his huge legs, and peep about  
To find ourselves dishonourable graves."

We are but little men, and must, as befits little men, be content with small savings. But, Sir, this brings one to the real point at issue, namely, is this small saving proposed a judicious one? It can only be justified upon one or other of the two following grounds—that the salary of the Lord Chief Justice is "relatively" too great, or "absolutely" and positively so. Now, Sir, that it is "relatively" too great, I have strong reasons to doubt; for, comparing the salaries of other public servants with that of the Chief Justice, I find it only proportioned to the nature of the office. It is but fair that the House should bear in mind the nature of the qualifications required—the learning, the high character, the period of life at which the office is attained—an office also, let it be recollected, that is one of the few prizes of merit and integrity, and which unlike the diplomatic or Ministerial offices, is generally filled by men sprung from the bosom of the people. It must be obvious that one called to discharge such high duties, such grave and onerous functions, should not have his mind perplexed or disturbed by narrow means, or the cares of any petty household economy. He should, on the contrary,

be enabled to discharge the rights of hospitality—to contribute to works of charity; in fine, adequately to sustain the dignity of the office. This could not be done without a proper salary, for this, I regret to say, is a money-worshipping country. ["Oh!"] Yes, I repeat the assertion. I do not contend that a "rich rogue" though a Member of either House, would be respected; but I am quite sure that neither the virtue nor the merit of a "poor" man will ensure him that respect. For these reasons I am induced to think that the sum fixed by this Bill, which is 2,000*l.* less than Chief Justices were entitled to receive, is not one farthing too much. I shall then, Sir, briefly state my views as to its being positively too great; this, indeed, is, after all, the chief argument upon which the case for still further reduction is grounded—by being positively too great I mean that whereas by the change in the price of the necessaries of life, by the removal of all restrictions upon the import of foreign grain, 1*l.* sterling will now command so much more of all the necessaries of life, therefore the sum paid before the repeal of restrictive duties is now too high. Well, Sir, if this hold, and I am not disputing this fact—then I say you must revise all salaries—you must reduce all sums paid out of the national purse—beginning with the largest, the civil list; then Her Majesty's Ministers, not forgetting the noble Lord the Premier. You must exclude none. What then will be the consequence? Why, that every poor clerk in a Government office—every recipient of public money—must have his pay proportionably diminished. There is no limit to the principle, if based upon the increased powers of purchase of the one pound. But the example will be followed by all public bodies—the Bank of England—the India House, and by every company and by every merchant, master, and tradesman. They will say, the Government have reduced all salaries, so must we. Well, is it not evident it will come down to the mechanic and the labourer, and that their wages will be likewise reduced. [*Cries of "Question!" and "Divide!"*] I can well understand these cries, but I shall not curtail the remarks which I feel it my duty to offer in consequence, but on the contrary, I shall rather be disposed to extend them. This being the natural, the inevitable result, where will be the advantages of free trade? You will have, by one measure, increased the purchasing powers of money,

and then, in the exact proportion of such increase, you diminish the money itself; so that no man is one farthing a gainer, but rather the reverse. That hon. Members, then, on the free-trade benches should advocate this reduction, is indeed surprising, for they are palpably demonstrating the fallacy of their own doctrines, exposing, in the most bare and naked manner, the lie that has been enacted, the gross quackery that has been palmed upon the deluded people of this country, by means of the "great and little loaf exhibition." That my hon. Friends, sitting on this side of the House, might view this system of reduction with approbation, I can clearly understand, because it will test the soundness, or rather expose the rottenness of the free-trade system; and I shall with them be prepared to support such a measure for the general and proportionate reduction of all salaries to a scale suited to the altered circumstances of the times; but I will not consent to support even my hon. Friends on this occasion, for the further reduction of one isolated salary, more especially when that salary is for the remuneration of one of the most important offices in this country, on the able discharge of which the life and liberties of the people are dependent, and more especially when the man who is almost always elected to it is one of the people, raised by learning, merit, and integrity, to its exalted position; because I don't think it a statesman-like way of proceeding, this nibbling at economy. Let it be done upon a wide and well-considered plan; let it include all salaries, and let not this House be made the arena of petty party Motions, and still pettier Amendments, which will not effect any rational object, and certainly not tend to elevate this House in the opinion of the country.

MR. MULLINGS did not think that any Bill was necessary. If he understood the noble Lord at the head of the Government aright, Lord Campbell had accepted the Chief Justiceship upon the same terms as those which Lord Denman had enjoyed. In that case the matter so far resolved itself into an affair of contract, and therefore he saw no necessity for hurrying on the Bill.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 100; Noes 51: Majority 49.

*List of the NOES.*

Archdall, Capt. M.	Jolliffe, Sir W. G. H.
Arkwright, G.	Kershaw, J.
Bankes, G.	Lennox, Lord A. G.
Barrington, Visct.	Lockhart, W.
Bateson, T.	Meux, Sir H.
Bright, J.	Mitchell, T. A.
Chichester, Lord J. L.	Morris, D.
Christopher, R. A.	Osborne, R.
Clay, J.	Perfect, R.
Cobden, R.	Plowden, W. H. C.
Cubitt, W.	Rendlesham, Lord
Deedes, W.	Ricardo, O.
Dick, Q.	Salwey, Col.
Ewart, W.	Sanders, G.
Farrer, J.	Sheridan, R. B.
Filmer, Sir E.	Sibthorp, Col.
Forbes, W.	Smith, rt. hon. R. V.
Gooch, E. S.	Smyth, J. G.
Greene, J.	Stuart, Lord D.
Hall, Sir B.	Thompson, Ald.
Halsey, T. P.	Thornely, T.
Harris, R.	Verner, Sir W.
Henley, J. W.	Walmsley, Sir J.
Hodgson, W. N.	Willoughby, Sir H.
Hope, H. T.	TELLERS.
Hornby, J.	Mullings, J. R.
Hume, J.	Spooner, R.

Main Question put, and agreed to.  
Bill considered in Committee.

On Clause 1,

MR. MULLINGS moved the omission of the words "and shall, as," and "be deemed to have been," in order that the clause might run thus, "shall be from the death of Lord Tenterden;" and then said it was his intention afterwards to move that the salary of the present Lord Chief Justice should be reduced to 7,000*l.*, instead of to 8,000*l.* a year.

MR. CHRISTOPHER thought that there ought to be a general reduction in judicial salaries; but as the noble Lord at the head of the Government had stated that he would bring all such salaries under the revision of a Select Committee, he hoped that the hon. Gentleman would postpone the discussion of his proposition until the report of the Committee was before them. For his own part, he would rather that the salary of Lord Campbell should be reduced at once to 7,000*l.*, than that he should have 8,000*l.* now, and future Chief Justices only 6,000*l.* He entreated the hon. Gentleman, however, not to press the matter to a division.

MR. HUME suggested, that all reference to the salary received by Lord Tenterden should be struck out of the Bill, and that the sense of the House should at once be taken as to the future salary to be paid to the Chief Justice of the Queen's

Bench. Instead of 8,000*l.* a-year, he should propose that it should be 7,000*l.*

LORD J. RUSSELL said, that he could not agree to such an arrangement as that.

MR. FORBES thought the whole question for the Committee to decide was with respect to the power of the taxpayer to bear the enormous amount of taxation extracted by the present and other extravagant salaries. If for the last eighteen years the duties of the office had been discharged for 8,000*l.* a year, no solid objection could be raised against its reduction, in the present altered state of circumstances, to 7,000*l.*

MR. HENLEY considered 7,000*l.* a-year as ample remuneration for the duties of the Lord Chief Justice. The noble Lord who at present filled the office gave up all his emoluments at the bar a few years since to take office as Lord Chancellor of Ireland for a tenure of seventeen days, with a salary of 8,000*l.* Sir E. Sugden also gave up perhaps the largest professional emoluments of any man at the bar also for the office of Lord Chancellor of Ireland, with a salary of 8,000*l.* and all the uncertainty connected with change of Ministers. The Government in 1832 having come to the conclusion that the salary of 10,000*l.* ought to be reduced to 8,000*l.*, he considered that the circumstances of the present time were such as fully to warrant a further reduction to 7,000*l.* Another reason for this reduction was also to be found in the fact that the Peers, among whom the Lord Chief Justices would rank, had suffered already a considerable reduction in their incomes. Professional incomes at the bar had also, he believed, been latterly very considerably reduced. The hon. Member concluded by moving the introduction of several words, which, he believed, would carry out more completely the views of the hon. Member for Cirencester.

Amendment proposed, after the words "shall be," to insert the words, "the yearly sum of seven thousand pounds."

MR. MULLINGS withdrew his Amendment.

MR. SCHOLEFIELD wished to know whether the arrangement proposed by this Bill would affect the salaries of the present as well as of the future Lord Chief Justices?

LORD J. RUSSELL would have preferred that a Committee had been appointed which should have considered together

the subject of all the judicial salaries, with a view of considering whether any or what reductions ought to be made therein. With respect to the present Lord Chief Justice, he thought that the salary which had been agreed upon should be continued without reduction, and that this Bill should only apply to future Chief Justices.

MR. HUME said, that the noble Lord had informed him (Mr. Hume), in answer to a question put to him a short time since, that in the appointment of the Lord Chief Justice the salary should be fixed, subject to any alteration that might be made by the House of Commons.

LORD J. RUSSELL had stated more than once—he was not sure that he had done so upon every occasion—that although that might be the general rule of making appointments, it could not apply to every case, more especially an office of this kind, which a Judge would not be likely to take upon an uncertain salary.

MR. HENLEY certainly had an impression that the question was put to the noble Lord as to the appointment then expected to be made of the Chief Justice.

MR. B. OSBORNE would support the Motion of the hon. Member for Oxfordshire, and would do so, not because he thought the saving of 1,000*l.* a year much, but because he thought it was an earnest to the country of what the party, of which the hon. Gentleman was a member, would do, if they were properly encouraged by hon. Members of his (Mr. Osborne's) side of the House, who, he must say, did not appear to treat the Motion in a manner very consistently with the professions which they made very loudly out of doors. He objected to the Motion for one reason, namely, that it did not go far enough; he would have preferred to have seen the salary reduced to 5,000*l.* rather than to 6,000*l.* or 7,000*l.* He thought, considering the patronage which was vested in the office, that 5,000*l.* was plenty. The salary of the Prime Minister was not more than that, and he was far more overworked, and had no retiring pension. He would tell the noble Lord at the head of the Government that he had no right to make a contract, or come to an understanding, that 8,000*l.* should be the salary of the Chief Justice of the Queen's Bench, when that understanding was come to in the face of the House of Commons.

COLONEL THOMPSON saw very little force in the reasons urged on the opposite side why salaries should be reduced in the

way they desired. The statement was that prices had fallen: might not those whose salaries it was proposed to reduce, also state that prices had once risen upon them? If this were not so, a strong case would be made out against them; but he could not admit, that, because prices had fallen, and because there had been a cessation of what the majority of the country had determined to be a harmful and injurious monopoly—damaging, indeed, the interests of those who had enjoyed it, but producing great advantage to the nation at large, of which one most eminent proof was the surplus which the Chancellor of the Exchequer declared he had—under those circumstances, he could not admit that the liberals or free-traders were bound to follow too absolutely the lead of hon. Gentleman opposite, particularly when one of them had, with great energy and eloquence, impressed on the Committee that the very intent, object, natural consequence of the Motion, was to declare and avow before the country that free trade was a fraud and a failure, and that here was the commencement of the proof by which that proposition was to be impressed upon the country. The inference, he thought, from this should be, that the Government was to blame in taking the first step in proceedings leading to such detrimental consequences. He was certainly glad to see the Government taking measures of economy, for such measures were always useful; but he would not admit the argument of the opposite side—that, because the country was avowedly in a state of increased prosperity, therefore this reduction in salaries ought to take place. He did not object to the reduction of salaries, but he repudiated and denied the argument used in favour of these reductions. He was sorry to say, that amongst free-traders there were two descriptions—there was the soft roe and the hard roe. The soft roe was that description which voted for Gentlemen opposite whenever an agreeable bait was held out, and when such a vote could damage the principles of those economists who sat on his (Colonel Thompson's) side of the House. For his own part, he was willing to leave the present question in the hands of the Government; and he hoped their success in economising would be such as to lead them to do more hereafter.

MR. SPOONER observed that when prices rose, the salaries of the Judges rose with them. He thought it passing strange that three weeks ago the noble Lord should



not have contemplated the necessity of appointing a Select Committee to inquire into the salaries of public servants. If the noble Lord would get up and say that a light had suddenly burst upon him, he would perhaps be able to tell the House how his mind came to be enlightened on the subject; but till he heard the noble Lord say that he did not contemplate the Committee at the time of Lord Campbell's appointment, he should consider that it ought to be dealt with as a prospective appointment.

MR. M. O'CONNELL remarked that only one single member of the profession had spoken that night; and as a humble member of it himself, he should not vote, unless assured by his learned brethren that he might properly do so, for cutting down the rewards bestowed upon great professional services.

MR. HUME would like to take any dozen members of the profession, and ask them whether the profits of the profession were now what they were formerly. He was informed on good authority that lawyers made only one-third of their former incomes; but taking their receipts to be one-half less, that was a very great reduction. His hon. and gallant Friend the Member for Bradford would look at a guinea, but he would not take it, unless it was offered by a friendly hand. The hon. and gallant Member should, however, recollect that he was not dealing with his own money, but that he was a trustee for the public. He hoped that those who had been professors of economy so long would not pause, now that they had arrived at the threshold.

MR. W. P. WOOD said, that when he was called upon as a professed reformer in financial matters, he must beg to say, with all respect to the Committee, and without regard to any observations which might be made upon his professional status, that the Committee would act with singular indiscretion if they commenced by cutting down the salaries of those who had the highest and most important duties to perform. He confessed that he should have felt a difficulty about going into Committee on the Bill, but as the House had decided that it would go into Committee, he had no hesitation in saying that 8,000*l.* was a proper sum for the salary of the Chief Justice of the Queen's Bench. Wages rose or fell with the number of labourers in the market, and the competitors for the office of *Chief Justice* were very few. ["Oh, oh!"]

He could find thousands of gentlemen who would take the office for 500*l.* a year, but were they such persons as the House of Commons would like to see in such a situation? Fit competitors for such an office were extremely few, and the salaries given to Judges ought not to be compared with those which were received by the holders of political offices. A Chief Justice must be looked for among men who had spent the whole of their lives in the prosecution of an arduous profession, and who, when fairly landed in a high judicial station, must still devote nearly all their time and the best of their energies to the discharge of the duties of their office. When he considered the duties the Chief Justice had to discharge, he felt they would not commence wisely if they commenced by reducing his salary. He had voted for reductions in the Army and Navy Estimates, and he received no support in votes from the hon. Gentlemen opposite who were now so anxious for reduction. The salaries of foreign judges had been referred to, and it was said that in some countries the judge had only 300*l.* a year; but there was an entire disrespect of all the tribunals in those States, and no person was satisfied with their decisions. They were looked upon with the greatest suspicion, but he did not say they were just suspicions that were entertained of the administration of justice in those countries. There was no country in which the ermine was so unspotted as in England. For the last hundred years or better, not a breath of suspicion had tainted any Judge on the bench. They must not forget the talents and services of those men, and they should consider that they gave up large incomes to take the position they occupied. Though that observation might not apply to Lord Campbell, there was scarcely an instance of a Chief Justice accepting office where he did not make a sacrifice in taking the office. In his (Mr. P. Wood's) own branch of the profession—the Chancery bar—6,000*l.* or 7,000*l.* a year had been given up by persons accepting the judicial office. It should be considered that at whatever sum they calculated the income of the Chief Justice, they must allow 1,000*l.* a year for expenses of circuits, and the hospitality he had to exercise on circuit, and the real income would not much exceed the 7,000*l.* a year to which it was proposed to reduce it.

MR. DEEDS said, that if anything were wanting to convince him of the extreme inconvenience and bad policy of the

course taken by the noble Lord on this occasion, it was to be found in the speech of his hon. and learned Friend who had just sat down. The salary of the Lord Chief Justice would be the very last in which he should wish to make a change, for he agreed with the hon. and learned Gentleman in his opinion as to the difficulty of getting a fit and proper person to take the station; but when the only alternative left to him was either to vote for the Amendment of the hon. Gentleman the Member for Oxfordshire, or to support the noble Lord at the head of the Government, he should vote for the Amendment.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 38; Noes 86: Majority 48.

*List of the AYES.*

Archdall, Capt. M.	Hume, J.
Arkwright, G.	Jolliffe, Sir W. G. H.
Barrington, Visct.	Kershaw, J.
Bateson, T.	Lockhart, W.
Bright, J.	Mitchell, T. A.
Brotherton, J.	Morris, D.
Chichester, Lord J. L.	Osborne, R.
Christopher, R. A.	Salwey, Col.
Clay, J.	Sandars, G.
Cobden, R.	Sibthorp, Col.
Cowan, C.	Spooner, R.
Deedes, W.	Stuart, Lord D.
Farrer, J.	Thompson, Ald.
Filmer, Sir E.	Thornely, T.
Forbes, W.	Verner, Sir W.
Gooch, E. S.	Walmsley, Sir J.
Hall, Sir B.	Willoughby, Sir H.
Harris, R.	
Hodgson, W. N.	
Hope, H. T.	
Hornby, J.	

TELLERS.

Mullings, J. R.  
Henley J.

On the Question that the Clause be agreed to,

MR. HUME wished to know, as the Committee had determined that 8,000*l.* be inserted, whether the Select Committee to be appointed on the subject of salaries would have power to report on the salaries of the Chief Justices?

LORD J. RUSSELL said, the prospective salaries of Chief Justices would of course be a matter for their consideration. If a change should be deemed expedient, it would not affect the present holders of these offices.

SIR W. JOLLIFFE proposed that a clause be inserted allowing this Bill to be repealed or amended during the present Session.

LORD J. RUSSELL said, it would be better at once to bring in a Bill declaring that all Acts might be altered or amended

during the present Session. He, however, had no objection to the insertion of the clause.

MR. SPOONER said, on bringing up the report he should propose a clause to the effect that nothing in this Act contained shall prevent such course being taken by Parliament respecting the salaries of the Chief Justices as it might deem advisable. What he wanted was, to provide for altering the salaries of Judges if the Select Committee should report to that effect.

Clause agreed to.

The House resumed.

Bill reported; as amended, to be considered on Monday 15th April.

SECURITIES FOR ADVANCES (IRELAND).

The SOLICITOR GENERAL hoped, notwithstanding the lateness of the hour, the House would allow him shortly to explain the provisions of a Bill which he wished to introduce to provide more ample and effectual securities for advances to purchasers of incumbered estates in Ireland, and which he was anxious to have printed, so that it might circulate throughout Ireland during the Easter recess. The House was aware, under the Incumbered Estates Commission, the operation of the Act on the subject had been very extensive, and according to the last report, property, upon which there were mortgages to the amount of 13,000,000, had come under the operation of the commission. The House would see that the Act operated in two ways. The one class affected were persons who had taken or inherited estates upon which there were not personal mortgages, but the land itself was subject to mortgage. It was very much to the interest of that class of persons to depress the value of such land, and then become the purchasers, with, in point of fact, reduced mortgages on it. They would borrow the money to purchase, and they would get the land at a reduced value. The other class was composed of persons who were liable for the payment of debts, who would be severely affected by the depreciation of property. It would have a serious effect, and cause land to be sold at a less value than it really possessed. In order to avoid this circumstance, they had devised a plan which it was hoped would induce capitalists from England to take an interest in these sales. Now, supposing we got purchasers for all the land, and had paid ten or twelve millions of these incumbrances, there would

then immediately be persons possessed of ten or twelve millions all looking out for investments, and at the same time there would be drawn from other places ten or twelve millions to buy this land, and considerable depression in the money market might be the consequence. It was, therefore, desirable to provide an easy means by which these mortgagees would be able to find security for their property. It was also desirable to point out some clear mode by which you might have a mortgage on land, giving the form of it in the Act of Parliament, in which case it would not be necessary to go to a lawyer at all previously, but you would be able to get a plain and simple form under which you would be able to get a perfect security that should be chargeable on the property, and as transferable as a bill of exchange. To attain this, it was proposed that there should be a power to charge land sold under the Incumbrance Estate Act in favour of persons who had advanced part of the purchase-money, provided the charge did not exceed one-half of that purchase-money. A certificate of the charge would be granted by the commissioners, and the certificate would refer to a conveyance that would be registered, and the certificate would itself, or a duplicate of it, be registered in the registry office. The charge would not be a charge given by persons who purchase the land, but it would be a primary charge, subject to which a person would take the land; so that the House would see that no Act of his would affect or encumber that property. When a man sought to sell property in Ireland, he had to show, if there was a judgment against a person of the same name, that he was not that person. The effect, therefore, would be, that, under this conveyance, the interest, and indeed the principal also, might be made to be payable by instalments in any manner that might be thought advisable. The amount would be specified, and by reference to the register it would be seen exactly what lands were affected. Then, these certificates would be transferable by endorsement; and if the principal was payable by instalments also, there would be receipts attached to it which would be delivered up every time it was paid. Now, if these certificates could be made to circulate readily in the money market—and it was the opinion of persons possessed of the best information both here and in Ireland that *they would*—dividends for the interest

should be paid by the Bank of Ireland on receiving some percentage for the purpose; and at the same time there would be a security of undeniable value, being of a Parliamentary character. The security could not be affected in any way, and would pass from hand to hand like any other security, by simple endorsement, with proper evidence of the endorsement in the registry office. Now, of course, this apprehension would strike everybody in the first instance—it would be said, this looks really like disencumbering land merely for the purpose of incumbering it again. But in the first place it was not proposed that there should be a change in anything but the land; it was no judgment against the owner; he could not be taken in execution; he could not be affected in any degree by reason of this change. It might appear at first to the House not to accomplish the objects he had stated; but he was satisfied, when they examined the measure, they would find that the ends were capable of attainment. Undoubtedly you could not prevent persons from borrowing money and buying land, or from mortgaging on the security of the land that they bought. It was impossible, when you gave persons a Parliamentary title, to prevent them from incumbering the land, or making charges upon it; in fact, the great object of giving a Parliamentary title was to afford the means of making land as far as possible a mercantile commodity. Therefore he proposed to make a particular species of incumbrance for this particular species of land; and this could only be done by giving a Parliamentary title in the first place, which should be something like debentures on land, to pass from hand to hand exactly or nearly like railway debentures; for they would be perfectly secure, because they could not extend beyond one-half of what the land sold for under the commission. While the land was charged with it, in case the interest on the instalments were not paid, the owner of the debenture might go to the commissioners and request the whole to be sold to pay the debenture; and that was his security. To prevent difficulty with regard to such mortgages as might exist beyond the five years for which the commissioners were appointed, it was proposed when that period expired to give the same powers to the Court of Chancery to sell property upon these applications, as was now conferred upon the commissioners. It was also to be observed

that the commissioners or the Court of Chancery would give a perfectly indefensible title to property, on its sale, to meet the debentures.

Motion made, and Question proposed—

“That leave be given to bring in a Bill to provide more simple and effectual means for advances to purchasers of Incumbered Estates in Ireland.”

MR. FRENCH said, that he entertained a high opinion of the legal knowledge and constitutional principles of the right hon. Gentleman, and in the absence of a legal officer for Ireland, could desire no more fitting person to take charge of legal measures affecting this country; but now that one so highly gifted, and standing so high in his profession as the hon. Member for Windsor (the Solicitor General for Ireland) was in the House, he thought this branch should be left in his hands. The object of the Incumbered Estates Act was, professedly, to get rid of incumbered proprietors—to replace them by men who would have at their disposal the entire resources of the estates; who would be enabled to improve their properties, build farm-houses, and give employment to the people. For this, great sacrifices were made; but now it would appear all was to be upset by the present Bill, which was, in truth, designed to replace the present Celtic and Saxon proprietors by English purchasers, who were to be encouraged by a new incumbrance of the land to buy to double the amount of their capital. Why should the Government step in to give these purchasers assistance which they refused to the existing proprietors? The right hon. and learned Gentleman, last year, came forward to free the land from legal fetters, and to make it a marketable article at the cost of ruining the individual Irish owners. He now proposed to rebind the land, and to remove incumbrances from the persons of the proposed new English owners. It was true it was not possible to prevent the remortgaging of lands after they passed through the incumbered estates court; but it was now proposed to hand them over directly to needy individuals who would begin the world with estates dipped, it might be, to one-half their value. Instead of bringing capital into the Irish land market, the measure would in fact keep it out, for, by permitting a moiety of the thirteen millions, of which the right hon. Gentleman spoke, to remain as a debt instead of being paid down in cash, it would prevent the immediate reinvestment of so much, which otherwise would at once take place.

COLONEL DUNNE said, 700 years of the worst legislation that had ever been inflicted on a country ought to prevent an Irishman being surprised at anything; but he must confess that the Bill he had just heard proposed had surprised him. Its object was not to relieve the proprietors, but to get rid of a race the proposers of it did not like. Did they wish to drive Irishmen abroad and to force them to another Fontenoy? He should oppose the Bill. It could not be brought in that night; and, in order to prevent it, he should move that the House be counted.

Notice taken that Forty Members were not present. House counted, and Forty Members not being present,

The House was adjourned at One o'clock.

## HOUSE OF COMMONS,

*Tuesday, March 26, 1850.*

MINUTES.] PUBLIC BILLS.—1° Medical Charities (Ireland).

2° Titles of Religious Congregations.

### CASE OF MARY ANNE PARSONS.

MR. FITZROY wished to ask a question of the right hon. the President of the Poor Law Board, with respect to a trial which took place on the Western Circuit before Mr. Justice Talfourd, a report of which had appeared in the public journals. Two persons were there charged with causing the death of a young girl whom they had obtained from the neighbouring workhouse at Bideford, in the capacity of a servant. The treatment this unfortunate girl had received, had excited feelings of indignation and horror in the breast of every person who had become acquainted with the affair; but through some informality or legal technicality in the proceedings, the perpetrators of these horrors had totally escaped punishment. In the course of the proceedings an allegation was made, or rather not denied, that the master of the workhouse at Bideford, Thomas Surnam, had not only failed to discourage, but had actually excited and encouraged, these two monsters to further barbarities, if possible, towards this unfortunate girl. So much so, that upon one occasion, when the poor girl was unable to carry a pail in consequence of the barbarities which had been inflicted upon her, the workhouse master, when informed of her inability to do so, brutally said, that “that they ought have broken a stick about her back.” This was denied by the master of the work-



house; but he refused to state what were the expressions which he actually made use of. The question which he wished to put to the right hon. Gentleman was, whether any directions had been given, or, if not already given, whether any were intended to be given, for a more searching investigation into the conduct of the master of the workhouse with respect to these transactions?

MR. BAINES said, that so long as the subject was before the ordinary criminal tribunals of the country, the Poor Law Board considered that it would have been unbecoming to have taken any steps in the matter. As soon, however, as they had received a report of the trial, they thought it right, in the exercise of the general authority possessed by the Board over the masters of workhouses, to direct the fullest and most searching inquiry into the conduct of the workhouse master of Bideford, as connected with the transaction. He would assure the hon. Member that that inquiry should be proceeded with without delay.

#### ENCROACHMENTS ON THE GREEN PARK.

VISCOUNT DUNCAN, referring to the question under this head, which he had put yesterday to the right hon. Gentleman the Secretary of the Treasury, moved for a copy of any application for permission to build walls in the Green Park, in front of Bridgewater-house; also any minutes or other documents relating to the garden attached to Bridgewater-house, which had been passed or considered by the Commissioners of Her Majesty's Woods and Forests. He was exceedingly anxious to explain, with regard to this Motion, that it was by no means a personal matter, nor was it in any way intended to reflect upon the Earl who was immediately concerned. He believed that the encroachment on the Green Park was made without the knowledge of the noble Earl, but it was made with the knowledge of his architect, who was anxious to make an Italian garden before the house. He was exceedingly sorry to hear that the architect of the Woods and Forests had not yet made his report on this subject, because it convinced him that any party might make encroachments on the Green Park, and a number of weeks would elapse before the Commissioners of Woods and Forests could take any notice of it. *The lease was granted in 1795, but it was quite clear from what Mr. Fordyce, who was then the manager of the Crown lands,*

had stated, that the right to make this encroachment was never even contemplated by the lease, and really something ought to be done in this matter, or the opinion that Crown lands consisted of property upon which anybody was at liberty to make attacks, would gain ground. He was, therefore, anxious to know, in the first place, who had granted permission to make this encroachment, and to whom the permission had been conceded?

Motion made for—

“Copy of any Application for permission to build Walls in the Green Park in front of Bridgewater House; also, any Minutes or other Documents relating to the Garden attached to Bridgewater House, which have been passed or considered by the Commissioners of Her Majesty's Woods and Forests.”

MR. BANKES did not know whether the noble Lord made this Motion on the ground that the embankment would prove objectionable or injurious to the neighbours who resided near to Bridgewater House, or on public grounds only. If it were based on the former of these grounds, the Motion was perfectly justifiable; but if on the latter, he, as one of the public, must be allowed to say that, so far from suffering any inconvenience, he felt great pleasure in seeing the rise of a palace the most splendid and most perfect in point of architecture which could be found in this metropolis, and which only wanted a suitable garden to make it a complete residence. He remembered the time when the Green Park was a receptacle for filth, and abounded in nuisances; when it seemed as if nobody owned it, and it was a disgrace to the Crown to have it called Crown property. He thought that the public were much indebted to the Earl of Ellesmere; for gardens of this description, instead of being an inconvenience, were a source of much public pleasure and enjoyment. If, therefore, it should be found necessary to modify the terms of the lease, to authorise the completion of the garden, which was all the palace wanted; he, for one, was quite ready to support any enactment for accomplishing that object.

SIR DE L. EVANS observed that the speech they had just heard ought to be regarded as a speech in favour of the Motion, for it was just that simple want of a garden to complete the beauty of the palace which was likely to prove so injurious to the public. If they allowed this encroachment to be made on that principle, where was it to end? The palace required a small garden; well, other structures in the same

neighbourhood might require gardens too; and ultimately the Green Park, which was considered to be one of the lungs of the metropolis, would be diminished to very small dimensions indeed.

SIR B. HALL said, that the hon. Member for Dorsetshire had complained that the noble Lord the Member for Bath had not based this complaint on any allegation of individual grievance. He (Sir B. Hall), as one of the metropolitan Members, had to thank the noble Lord for bringing, not only this matter, but many others connected with the public parks, before the House. Great complaints had been made to him in reference to this matter, and he had himself been requested more than once to bring the subject forward. He agreed with the hon. Member for Dorsetshire that Bridgewater-house was the greatest ornament to the metropolis that at present existed. But he believed that it would have been impossible for the public to see it, if the intention of the architect had been carried out. Even now, the wall which had been complained of was as high as the railing of the Park, or, at all events, there was a difference of a very few inches. Holes had been drilled in the coping for rails, and it had been intended to place on the top of the wall a railing, which in process of time would have been covered with boards or slates, and the public would have been entirely excluded from the view. He had heard of encroachments in Hyde Park, near Apsley-house; and there was a plot of ground near Albert-gate also, which was formerly open to the public, but which was now railed in.

LORD J. RUSSELL: All encroachments upon the space set aside in the parks for the healthful recreation of the people must of course be prevented; but in the case to which the attention of the House had been directed, nothing of that kind had occurred; indeed, on the contrary, all that had been done was for the public advantage. It was true that as he was walking in the park some time ago he saw a wall being raised, as if for the purpose of making the garden of Bridgewater-house more private, which, if carried up higher, might have obstructed the view from the Park, and impeded the free circulation of air in the particular locality; but the Board of Works immediately interfered, and, upon their remonstrance, the intention of carrying the wall higher, which was not part of the original plan made by the Earl of Ellesmere, was immediately abandoned.

The wall, as it now stood, being of the height of two feet in some places, and four in others, offered no impediment to the free circulation of air, nor obstruction to a view of the gardens and house. Although Lord Ellesmere's lease contained a clause prohibiting the building of a wall, there was no covenant in it which prevented the raising of a mound, and therefore, if the Government were to insist upon the stringent enforcement of the terms of the lease with respect to the wall, the Earl of Ellesmere might be driven to raise a mound, which he could carry as high as he pleased. In that case the public would be the loser by a rigid adherence to the terms of the bond. Like the hon. Member for Dorsetshire, he thought the new house was a great ornament to the metropolis; it seemed to be built in very good taste, and he never walked in the Green Park without having his admiration attracted to it. A man who bought beautiful pictures and fine statues kept them in his house, and only the few persons who were admitted to his society had the privilege of seeing them; but he who erected an admirable specimen of architecture in a public place presented an object of enjoyment to all. Far from finding fault with the Earl of Ellesmere because an attempt had been made to erect a higher wall than was desirable (which, however, was not in accordance with his Lordship's wishes), he felt that the public was indebted to that nobleman for making a handsome addition to the buildings of the metropolis. It was a matter of surprise to him that any one could complain of the enclosure between Apsley-house and Hamilton-place. It was a scrubby piece of ground in which the public never walked. The people now walked along the same paths which they had always used, and had the pleasure of seeing the once scrubby piece of ground converted into a beautiful shrubbery. The Government was desirous of consulting the convenience of the public, as regarded the parks, in every respect, and in proof of this he might refer to the well-kept footpaths which were made in them. The noble Member for Bath was justified in having called attention to the subject, but it was perfectly clear that, in the present instance, there was nothing of which the public had any reason to complain.

MR. HUME said, that the Government ought to deal with the rich and the poor alike. No poor man would be allowed to make such encroachments, and he did not see any reason why any should be allowed

in this instance. These encroachments were illegal, and the Treasury had not the power of sanctioning them. He thought the public were much indebted to the noble Lord the Member for Bath for calling the attention of the House to those circumstances. He had no desire to reflect at all unkindly upon the Earl of Ellesmere, who had shown a great wish that the public should enjoy the utmost advantage that he could throw open to them, and who had declared that, after admitting the public to his gallery, the only injuries which had been done to it were not from the general public, but from the curiosity or carelessness of the "gents." The lease under which the property was held was granted in 1797; and in that there was a prohibition not only for the wall but for the embankment. He contended it was the duty of the Government to remove all that had been put up to the inconvenience of the public. The embankment was decidedly illegal, and he would also venture to suggest that the encroachments made by the Duke of Sutherland on the opposite side were also illegal. No Act of Parliament had been passed to enable the Duke of Sutherland to make these encroachments, and he hoped that his noble Friend the Member for Bath would follow this Motion up by calling upon the Attorney General to remove the existing nuisances.

MR. HAYTER said, he wished to correct, in the first instance, the statement made by the hon. Member for Montrose with respect to Sutherland-house. In the Committee which sat last Session, under the presidency of the noble Lord the Member for Bath, a most rigid inquiry had been instituted into the rights under which these alleged encroachments had been made, and it was discovered that a great many nuisances had been removed, without any prejudice to the interests of the public. With respect to the garden belonging to Bridgewater-house, a portion of it was the Earl of Ellesmere's freehold property, and a portion of it had been assigned to him by lease subsequently to the report of 1797. The hon. Member for Montrose said that the Treasury had no right to grant a lease. He (Mr. Hayter) was at issue with him there. It was proved before the Committee that they had power to grant leases, subject to certain restrictions. With respect to the wall which had been erected in the first instance, that was certainly inconsistent with the covenants of *the lease*, and with the intentions of the

Earl of Ellesmere. Immediately upon complaint being made, the wall was reduced, and the present wall and embankment did not form any impediment to the public view, and, if removed, would injure the regularity of the architectural outline, by exposing a hollow. Notwithstanding this, he admitted that if the bond was to be enforced, the wall must be removed, to the great injury of the public; and if the public would have an injury done to them, at least it ought not to be said in that House that it was for their benefit. No doubt the public were entitled to a nuisance, if they chose to have it. It did not follow, because Mr. Fordyce had made a report, that the covenants of an existing lease were consistent with the observations and suggestions in that report. He had, however, seen the lease, and according to his interpretation of the instrument, it was extremely doubtful whether the Earl of Ellesmere had not the power to raise a large embankment, which might exclude the public view altogether. Besides, Mr. Fordyce's report did not bear the interpretation put upon it. It did not refer to the view from the Park, but merely said there should be an uninterrupted view from the adjoining houses. Had he been aware that a discussion would have taken place on this subject, upon an unopposed Motion in fact, he would have come down with the lease and other documents; but this was manifest, that it would be a great public injury if the strict letter of the covenant were insisted upon.

MR. J. S. WORTLEY thought the Government was right in not resisting the Motion; but he hoped it would be understood that it was not for the interests of the public to insist upon the strict right; for if the proposed improvement should be removed, it would be a great public injury. Much had been said as to encroachments upon the Park. The fact was, that in this case there was no encroachment at all. There was really nothing in issue but the question of a breach of a covenant in a lease. Part of the garden was the freehold property of the Earl of Ellesmere; and if he was animated by the curmudgeon spirit of a desire to exclude the public, he might erect a wall there as high as he pleased, whilst, by the terms of the lease, he could plant trees upon the other part if he chose. But the Earl of Ellesmere was moved by no such sentiments. The noble Earl was admitted to have done a public service by the erection of so magnificent a

building; he had, at all times, shown himself a liberal patron of art; and in the arrangements of this very building he had gone to considerable expense in providing a separate entrance for the public, to view his magnificent collection of paintings. It was quite right that the interests of the public should be jealously watched, in order that no encroachments should be permitted; but if the Woods and Forests, whether at the instance of the noble Lord or any other individual, were induced to construe the terms of the lease according to the strict letter, he was sure they would be doing an injury to the public. No private landlord, under such circumstances, would object to his tenant making improvements that were really a great embellishment.

VISCOUNT DUNCAN, in reply, said it was clear the Earl of Ellesmere was not aware of any encroachment having been made. It was certainly the duty of the Woods and Forests, or their officers, who were paid high salaries, to look after these matters. But they knew nothing of them, and Mr. Pennethorne's examination before the Select Committee was most unsatisfactory in this respect. He was, for example, asked where was the boundary of the Park at this particular point; and his reply was, "That is more than I can tell." It appeared from this, that the officers of the Woods and Forests did not know the boundaries of the Park. If they had done their duty he should not have brought this matter forward; but he was very glad to hear the noble Lord at the head of the Government say, that in walking past he had discovered the wall to be higher than necessary. The question was, whether, under the lease, there was any power to build the wall at all. In his opinion the lease contained no such power.

MR. HAYTER, in explanation, said he had stated that there was no such power in the lease.

VISCOUNT DUNCAN: Then, were all the persons who had houses abutting upon the Park to have the same power? Was every man in the position of a Crown tenant to ride over the covenants of his lease just as he thought proper? The provisions of Crown leases should be effectually carried out, for modification was highly unconstitutional, and the sooner it was done away with the better.

MR. HENLEY said, it was quite clear there had been an intention to build a high wall that would give facilities to make mounds inside, upon which trees or shrubs

might be planted, and so the public view be shut out. If this were allowed in one case, it might be extended along the whole line to Piccadilly. It appeared to him, therefore, that the Government ought to take care that no advantage be taken, so as to afford facilities for the erection of mounds.

Motion agreed to.

#### THE ROYAL ACADEMY.

MR. HUME moved for an account of the receipts and expenditure of the Royal Academy in each year since 1836. He expressed his regret that it was the intention of the noble Lord at the head of the Government to oppose this Motion, the object of which was only to obtain such information as the House was entitled to possess. The evidence before the Committee in 1836, showed that a fund of no less than 47,000*l.* had been accumulated in the hands of the Academy, which he considered must now have increased to something like 100,000*l.* As the noble Lord had intimated an intention of providing the Academy with accommodation after its removal from the National Gallery, and a vote would be asked for that purpose, it became necessary the House should be informed as to the disposition of the funds to which he referred. The Academy had had the use of a portion of the National Gallery free of rent, from the public, yet they had been so close, and so little attentive to the great object of promoting a taste for the fine arts, that they refused to admit the public gratis to their exhibitions for a short period after the time when payment for admissions ceased. The free opening of galleries, like Hampton Court and other places, produced an excellent effect upon the public; but the Royal Academy refused to concede any such privilege to the public, although they were located in a public building, free of expense. He must say that, under such circumstances, he would never consent to vote a single shilling in their behalf, seeing that they had now nearly 100,000*l.* of their own arising from the proceeds of their exhibitions, unless it had been wasted; nor until he knew whether those funds had been properly appropriated. But be the sum in hand more or less, the House had a right to know what had become of it, before any claim was made upon the public purse. He admired art, but he would not support monopoly; and he must add, that he doubted whether the system which the Academy had per-



sued, had not been more injurious than otherwise to the interests of the arts.

Motion made, and Question put—

“ That there be laid before this House, an Account of the Receipts and Expenditure of the Royal Academy of Arts, each year since 1836, with a detailed statement of the sums appropriated to salaries, and to the various general and incidental purposes of the Establishment; also, the amount of money funded, which, in 1836, was 47,000*l*.

LORD J. RUSSELL had frequently had occasion to object to the production of returns of this kind, and he remembered one occasion, when the hon. Gentleman carried a Motion of this nature, that the right hon. Baronet the Member for Tamworth induced the House to rescind it. The hon. Gentleman had laid no ground for the Motion. He might maintain all the opinions he had expressed, that the Royal Academy did not promote art, that it ought not to be allowed accommodation in a public building, erected at the expense of the public, and that Reynolds and all the great artists connected with it were mere daubers; but how the hon. Gentleman could maintain that the House was entitled to investigate the amount and application of the money received for the exhibition of their pictures, he (Lord J. Russell) did not understand. If the House had that power, he did not see why they should not inquire into the proceeds of every exhibition in London, and ask Madame Tussaud how much she made by her wax figures—[Mr. HUME: If you gave her a house to show them in, I would.] If George the Third and his Ministers had said to the Royal Academy, “ We will allow you to exhibit your pictures in rooms belonging to the public; and, in return, we will require you to give us an account of all the money you receive ”—that would have been an engagement; but there was nothing of the kind. It was evident, then, though the House had a perfect right to turn the Academy out, and say, “ You shall no longer have rooms in Somerset House or the National Gallery,” that right, without such a stipulation, did not give the power to ask what sums they received. Those sums had not been received from the public, but from the exhibition of pictures, which, after all, were their own property. It was true the public provided the rooms in which the pictures were exhibited, but the pictures which the public went to see were the property of the artists; and it was this which governed the question. He certainly regretted the

decision of the Royal Academy not to admit the public, after a certain time, without any payment whatever; but Sir Martin Shee, to whom he had spoken upon the subject, said, the Academy, upon consideration, were of opinion that many valuable works would be injured, and that miniatures would be stolen. His (Lord J. Russell's) belief was, that their opinion was wrong; for he thought the pictures would be quite as safe with the free admission of the public as with admission upon the payment of a shilling. But the pictures being their own property, he did not see how the House of Commons could have a right to say, “ You must show the pictures, which are the production of your own skill and knowledge, and from which you receive your income, at the bidding of the Crown or of Parliament, for nothing; and if they are defaced or stolen, you must take the risk.” Now, the House had no power to do this. The hon. Gentleman, however, would be justified, if he thought fit, to refuse to vote for a grant of public money; and if the House should be of his opinion, the Royal Academy must continue to exhibit their pictures in the present place, until the Crown or Parliament took it away; but the House had no power to ask for the accounts in question. The fact was, this was entirely private property, and the House had no right to interfere with it.

MR. EWART said, that if the Academy occupied a private building at their own expense, there might be some justice in the view taken by the noble Lord; but so long as they held a large portion of the National Gallery they were responsible to Parliament. Not only were they now in a public building, but the House would shortly be asked for a grant of public money, to place them in another public building. Did not these circumstances render them responsible to the country? The Academy appeared to have a double weapon. When they were asked for an account, they said they were a private body; but when they wanted accommodation for nothing, they declared they were a public body. So that one of the legs of this huge colossus stood upon public benefit, and the other upon private monopoly, whilst the House could get no accounts in either one capacity or the other. Let the Academy declare what they actually were. With reference to the noble Lord's remark concerning Reynolds, he would only observe that it was not the

Academy that made Reynolds, but Reynolds that made the Academy; and certainly until he heard better reasons for refusing the Motion than those assigned by the noble Lord, he should support it.

MR. BANKES said, that if he felt prepared to advance one shilling of public money to the Academy, he should support the Motion, but he was not; and under present circumstances, he was surprised that the noble Lord should contemplate such a proposition. At the same time, he could not commit himself to the proposition of the hon. Member for Montrose, as it appeared to be doubtful whether the Academy was a public or a private institution. But, whether public or private, he concurred in the opinion that, for a limited period, its doors ought to be thrown open to the public. The objections against that course were absurd. If any danger were apprehended to the miniatures, they could be either withdrawn or enclosed. He wished to see the Academy removed from the National Gallery as soon as possible, because room was wanted there; but if they were, as alleged, a private institution, let them build their own chambers.

MR. HAWES said, the Academy was established by a charter of George III., who gave them rooms in Somerset House for the exhibition of their works. Those rooms were afterwards surrendered to the public, and in consideration other apartments were granted in the National Gallery. Did these circumstances make them come under the jurisdiction of Parliament? Certainly not. They had never had one farthing of public money. The Academy had raised a school of art which was an honour to this country, entirely by their own exertions and ability; and if anybody had a right to spend their own funds as they pleased, they were that body. They sent artists abroad, and granted pensions to the widows of deceased artists; such was the mode in which they applied the funds into which Parliament was now asked to inquire. This subject had been discussed three or four times in that House to his knowledge, and in every instance the decision was that the funds of the Academy were private. He was sure that if the accounts could be obtained, the funds would be found to have been disposed of economically, and in a manner that did honour to the Academy; but there were no grounds for alleging misappropriation. Parliament having no power to interfere, whilst no public advantage

would be gained by the inquiry, he hoped the House would not consent to the Motion.

SIR B. HALL censured the illiberal conduct of the Royal Academy in not admitting the public free on certain days of the week, observing, that although the funds of the institution certainly arose from the payments made by the public to see the works, and although the works were those of private artists, and not public property, it should be remembered that the Academy occupied and exhibited those works in a building belonging to the public, and free of rent—a circumstance very favourable to the increase of their private funds. If any proposal should be made hereafter for a grant of public money to the Royal Academy, he should most certainly object to it, and he should support the Motion of the hon. Member for Montrose.

MR. HENLEY did not think that the hon. Under Secretary for the Colonies had succeeded in setting the question at rest whether the Academy was a public or a private body. The hon. Gentleman said that it was constituted by charter, and that apartments were granted to the body in Somerset House. How were those apartments granted? In perpetuity, or in fee. If not, by what tenure did they hold them, and who paid for the repairs of the building they now occupied? He presumed that it was the free use of the building which enabled or aided them to accumulate their revenues. The Chancellor of the Exchequer had announced publicly in his financial statement that he intended to ask for a grant of public money to the Academy; and if he (Mr. Henley) was to be called upon to consider such a vote, he should like to know something about the position of the society. The Academy already enjoyed the permissive use of a public building, and the right hon. the Chancellor of the Exchequer declared his intention of asking Parliament for money for the society. And for what purpose? Because he wanted the building the Academy now held for another use. That being so, the public had a right to know whether this society was not rich enough to build for themselves, or whether they came without funds, and on fair ground, to ask for public assistance. Their charter had, no doubt, been granted to them for public purposes. Indeed, it was alleged to them that they pensioned the widows of artists, and sent out students to the Con-

inent—objects which might be considered of a public nature, and they had been assisted by the use of a public building in carrying out those objects. These considerations, added to the fact that the Government intended to ask for public money for the Academy, in the present state of public affairs, clearly showed that the House had a right to know all the facts.

MR. NEWDEGATE looked upon the Royal Academy as a private body which had had certain facilities afforded them by the public; and he could not see what right Parliament had to require a return of their funds—the proceeds of their own industry—with the view of disposing of them, for that was what the Motion amounted to. If it were thought desirable, let them turn the Royal Academicians out of the present building, and let them erect one for themselves; but it was a gross injustice to insist upon their making returns similar to those which were exacted under Schedule D. He should resist the Motion, and the more because he was by no means prepared to vote for a grant of money to the Academy should it be proposed.

MR. P. HOWARD did not think that the charter granted to the Academy had constituted them a public body; but it was not upon that ground that he intended to oppose the Motion. Considering that the nation had only given some house-room to the artists of England, he thought it would be unjust and ungenerous to require from them an account of their proceeds, arising, as they did, not from public funds, but from the payments of private individuals. He might quote the words of Prior, which were as philosophical as true :—

“ To John I owed great obligation ;  
But John unhappily thought fit  
To publish it to all the nation ;  
Sure John and I are more than quit.”

He certainly should not be able to congratulate the House, even if they obtained a triumph over the artists in such a matter.

MR. HUME, in reply, said, that when the Royal Academy desired to obtain public assistance, they came to that House and were ready enough to show their accounts, alleging that up to that period they had only accumulated 47,000*l.*, and had not the means of building a house for themselves. On that plea they had been allowed to have that part of the building erected for a National Gallery, which they now occupied. The hon. Under Secretary

for the Colonies said, that the Academy had not received public assistance. The hon. Gentleman did not seem to know the difference between money and means. Was it nothing that they had been gratuitously accommodated with a building equivalent to a rental of 3,500*l.* a year? The Committee which sat on the subject arrived unanimously at a decision that the Academy ought to leave the National Gallery. Let them but quit that institution and build a place for themselves, and then he would not care a pin about their accounts. As to the want of funds, he thought that if their finances had been properly managed, they must by this time be worth 100,000*l.*

The House divided:—Ayes 19; Noes 47: Majority 28.

#### *List of the AYES.*

Arkwright, G.	Meagher, T.
Brotherton, J.	Mullings, J. R.
Cobden, R.	Peto, S. M.
Divett, E.	Salwey, Col.
Duncan, Visct.	Stanley, hon. E. H.
Duncan, G.	Stuart, Lord D.
Greene, J.	Thompson, Col.
Hall, Sir B.	Walmsley, Sir J.
Harris, R.	TELLERS.
Henley, J. W.	Hume, J.
Kershaw, J.	Ewart, W.

#### *List of the NOES.*

Armstrong, R. B.	Hayter, rt. hon. W. G.
Bellew, R. M.	Hobhouse, rt. hon. Sir J.
Berkeley, hon. H. F.	Lewis, G. O.
Blackall, S. W.	M'Cullagh, W. T.
Boyle, hon. Col.	Morgan, H. K.
Campbell, hon. W. F.	Newdegate, C. N.
Coles, H. B.	Norreys, Sir D. J.
Cowper, hon. W. F.	O'Connell, M. J.
Craig, Sir W. G.	Parker, J.
Dawson, hon. T. V.	Pelham, hon. D. A.
Duncombe, hon. O.	Plowden, W. H. C.
Dundas, Adm.	Power, N.
Dundas, rt. hon. Sir D.	Price, Sir R.
Dunne, Col.	Scrope, G. P.
Ebrington, Visct.	Sheil, rt. hon. R. L.
Elliot, hon. J. E.	Somerville, rt. hn. Sir W.
Farrer, J.	Spooner, R.
Forster, M.	Talbot, J. H.
French, F.	Townley, R. G.
Fuller, A. E.	Tufnell, H.
Gordon, Adm.	Wilson, J.
Gore, W. R. O.	Wodehouse, E.
Grace, O. D. J.	TELLERS.
Grenfell, C. W.	Hawes, B.
Grey, R. W.	Howard, P. H.

#### INCOME TAX (IRISH PROPERTY).

COLONEL DUNNE begged to move for a return of the amount of income tax paid in England, and reckoned as English income, but which was derived from Irish property.

Motion made, and Question proposed —

“That there be laid before this House, a Return of the amount of Income Tax paid in England, and reckoned as English income, but which is derived from Irish property, whether real property, mortgages, pensions, or property of any other description.”

MR. HAYTER said, there was no objection on the part of the Government to afford such information, but he understood that this Motion had been made before, and that it had been then stated that there were no means of making such a return, and that if the House made such an order, there were no means of obeying it. He would, therefore, suggest to the hon. Gentleman to withdraw his Motion for the present, and in the meantime he would ascertain whether it was possible to produce such a return as would meet his views.

MR. F. FRENCH said, that this was not the first time the attention of the House had been called to the subject, and the Irish Members were very anxious upon it, inasmuch as very fallacious opinions had for a long time prevailed upon the incidence of taxation upon Ireland. They contended that they were more heavily taxed than in England. It was alleged that the Irish did not pay the income tax, but they alleged that more than half the

rental of Ireland had regularly paid it. He thought it was quite necessary that at the present time the financial state of Ireland should be given forth to the whole of the world, and that the true condition of Ireland should be stated.

COLONEL DUNNE said, that after what had fallen from the right hon. Secretary to the Treasury he could not of course object to postpone his Motion; but it was very necessary that the true financial position of Ireland should be known at this moment.

MAJOR BLACKALL hoped, if his hon. and gallant Friend postponed the Motion, it would be on the distinct understanding that, during the ensuing year another column or schedule, giving the required information, would be included in the returns for the ensuing year.

MR. HAYTER repeated that no objection existed to give information, but as to the suggestions of another column or schedule being added to the returns for next year, that could not be done unless permitted by the Act of Parliament under which the Commissioners were bound to frame their returns.

Motion, by leave, withdrawn.

The House adjourned, at Three o'clock, to Monday, 8th April.

## APPENDIX.

A BETTER REPORT OF LORD HOWDEN'S SPEECH ON "THE AFFAIRS OF THE RIVER PLATE"—FEBRUARY 22, 1850.—Vol. cviii., p. 1285.

LORD HOWDEN: My Lords, in consequence of some remarks made by the noble Lord (Lord Harrowby), and of others which have dropped in the course of the debate from my noble Friend (the Earl of Aberdeen) opposite, and from the share which I have taken in the settlement of this most protracted question, I feel myself in some measure called upon to say a few words. I wish also to express my great satisfaction that the chief difficulty, that is to say, the point regarding the recognition of the River Parana as a river under the complete sovereignty of the Argentine

Confederation, has at last been removed. This is a case so perfectly plain, both as regards common sense and public law, that when I was at Buenos Ayres, had I been a free agent instead of being obliged to act in concert with a colleague, I would have taken upon myself to have conceded this point; that is to say, to have agreed to the terms in which it was desired that the article containing the declaration should be framed, and I should not have had the least difficulty, so long as two years ago, in concluding a treaty with General Rosas. My noble Friend (the Earl of Aberdeen)



says, that he regrets we have separated from France in this negotiation. My Lords, nobody more than myself appreciates the advantages of a French alliance; but in this case I cannot agree with my noble Friend in regretting this separation. The French Government, or, to speak more correctly, the feelings of a great portion of successive representative chambers in France, have been to refuse to the Argentine Confederation the complete right which it claims over this river; and at this very moment, after the late debates in the Assembly, if there be not a denial, there is at least a great hesitation, on the part of France to make this concession. While this denial continues, I take upon myself to say that General Rosas will never come to terms. Had we remained in the same boat with France, we might have gone on fruitlessly negotiating to the end of the chapter, to the great prejudice of our trade and of our legitimate influence in South America, and that is the reason why I am glad that we have taken the bold and sensible step of putting an end to this most unwise and disastrous intervention as far as we are concerned. It would be absurd in me to read a lesson of international law to my noble Friend (the Earl of Aberdeen); but he must surely be well aware, that according to the received law of nations regarding the rivers running through a country, there is not the shadow of a pretext in refusing to the Argentine Confederation the right over its own river running between its own banks. The noble Lord must know that this is the great pervading principle, and that when this principle is made to bend to great objects of universal advantage, by solemn meetings of representatives under circumstances such as took place at the Congress of Vienna, the rivers so affected were specially named, in order to prove more strongly that they were looked on as exceptions to the rule. Your Lordships ought to be aware that the attack by the allied squadron on the forts of Obligado up the Parana, was most properly disapproved by the noble Lord himself when he was in office; for while, in common with the whole country, he admired the courage, skill, and endurance exhibited by Her Majesty's sailors, with his sagacity and experience, he knew full well that such an attack on the territory of a Power with which we were, if not on terms of amity, at least in a state of declared peace, was, *in truth, nothing else than a buccaneering*

expedition. And, my Lords, I would request you not lightly to let pass an opinion in Parliament, on a matter of rivers like this. We are ourselves in North America, in the case of the St. Lawrence, in a position which has called forth our strongly expressed interpretations of public law in precisely the same sense in which General Rosas understands it. I shall be sorry that the world was to think, as it often says, that our opinions and acts change according to our interests, but, putting aside the immutable principles of justice, it would be a most dangerous doctrine for us to admit, which we should do by persisting in forcing the Parana, that the highways of nations are the natural property of the enterprising, the unscrupulous, and the strong, and that the measure of our exaction, or our moderation, is to be measured by our convenience. The noble Lord (Lord Harrowby) who began the debate, expressed great apprehension as to what might befall the inhabitants of Monte Video in case, by an agreement with France or England, it might fall into the hands of General Oribe. I say, in case of an agreement with one or both of these Powers—for if this purely Oriental question had been allowed to be settled by the inhabitants of the Banda Oriental—the town would have been entered long ago by General Oribe. The noble Lord may be quite at ease on this subject. General Oribe gave me a declaration under his hand and seal, that the persons and property of all nations, without exception, should be scrupulously respected, should the fortune of war or diplomacy put him in possession of Monte Video. I moreover believe General Oribe to be perfectly incapable of any deliberate attack on foreigners, and I have never been able to bring to his door as a fact a single accusation of the many which have been made against him of ill-treating either English or French. It is certain that these two nations have a fatal facility for mixing themselves up in the civil dissensions of all the nations of the earth, and that they think they are perfectly authorised to combine their pleasure or their profit in these internal struggles with all the immunities of their birth. It is very possible that in battles, or in skirmishes, some of these adventurous gentlemen may have been knocked in the head; for it can hardly be expected that in moments of excitement, and of personal danger, and very likely of reprisals, that a soldier—and especially one

of Spanish origin—should be very nice about his actions, and should ask for a certificate of birth before he fired at the man wearing a hostile uniform. But I am perfectly certain, that if any arrangement is entered into with General Oribe, to which he appends his engagement, that such arrangement will be maintained as inviolate, and accompanied by as little vexation or bloodshed as if it had been passed between any two contending parties in the heart of Europe. And now, my Lords, with regard to the independence of Monte Video, I am glad to state again what I always have stated, that I am as fully impressed as the noble Lord himself can be, of the expediency of preserving it from every possibility of attack, but I myself feel no disquietude on that head. The noble Earl is in the habit of receiving so much and such variegated information on all subjects connected with the Plate from his Monte Videan constituency, that he must be well aware that there exists a profound feeling of dislike, almost amounting to antipathy, between the inhabitants of the opposite banks of that river; so much so, that the ill blood existing between the Argentine troops and the national forces in the camp of General Oribe, has once or twice nearly been the cause of the withdrawal of the auxiliaries. The inhabitants of the Banda Oriental are as fully aware as any stranger can be, of the superior geographical capacities of their country, of its better climate and soil, and of the more favourable position and prospects of Monte Video as a commercial town; and I never met with any people less likely to allow themselves to be delivered over by any chieftain into the hands

of another Power, and of one, too, for which they entertain, individually and nationally, a feeling of dislike. It may be necessary at this moment, when there are in the town but a miserable remnant of the population, consisting of two or three hundred Orientals, to have a foreign garrison to protect them; but whenever General Oribe enters with all the wealth, intelligence, and numbers of the nation, you may depend upon it, my Lords, this people, about whose independence you are so anxious, will be quite able to take care of themselves, and that they will not give up that independence either to General Rosas, the National Assembly of France, or a body of financial speculators fattening on their misfortunes. The noble Earl asks me why, if General Oribe has the whole population with him, he is still without the walls of the capital. The noble Earl surely can hardly have forgotten that until I ceased the English intervention, the commander of the two squadrons had orders to disembark their marines and protect the town with the guns of their ships, and that such is still the case with the French flag. The noble Earl must also surely remember that the English regiments which had touched at Rio de Janeiro were sent down to garrison Monte Video, and that being thus deflected from their duties at the Cape of Good Hope, whither they were destined, the insurrection in that colony broke out in consequence of their non-arrival. If the French fleet anchored off Monte Video were to take a week's cruise, I will answer for the entrance of General Oribe into the town, and, what is still more, of his scrupulously observing the amnesty that he promised.

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## ERRATA.

Page 259, line 19, *for Mr. Henry read Mr. Henley.*

— 1193, — 18, *for Mr. W. Milnes read Mr. W. Miles.*

— 1203, — 22 from bottom, *for Mr. E. B. Becket read Mr. E. B. Denison.*

